

**To:** Grantham, Nancy[Grantham.Nancy@epa.gov]  
**Cc:** Bowman, Liz[Bowman.Liz@epa.gov]  
**From:** Wilcox, Jahan  
**Sent:** Thur 12/14/2017 9:19:00 PM  
**Subject:** FW: Request for comment on Definers contract, deadline end of day

Nancy

Can you respond to her please? Thank you.

---

**From:** Rebecca Leber [mailto:rleber@motherjones.com]  
**Sent:** Thursday, December 14, 2017 3:36 PM  
**To:** Press <Press@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>  
**Subject:** Request for comment on Definers contract, deadline end of day

Writing to request comment on federal records showing that the EPA has hired Definers Corp., a PR firm associated with GOP campaigns, on a \$120,000 federal contract to conduct media monitoring.

What work was Definers hired for?

Can you comment on Jahan Wilcox's connections to the staff at Definers, and if he or any other staff played a role in facilitating the contract?

My deadline is end of the day, thank you

Rebecca Leber

## Registration Details for Complete Record

**Entity Name: DEFINERS CORP**

DUNS Number: 076234313

CAGE: 7YAE9

Address:

1500 WILSON BLVD # 5

ARLINGTON, VA 22209-2458

UNITED STATES

Purpose of Registration: All Awards

Registration Status: Active

Expiration Date: 08/31/2018

Address Update Required: No

**UPDATE ENTITY**

**VIEW**

**DEACTIVATE**

**To:** Bennett, Tate[Bennett.Tate@epa.gov]  
**Cc:** Bowman, Liz[Bowman.Liz@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Letendre, Daisy[letendre.daisy@epa.gov]  
**From:** Wilcox, Jahan  
**Sent:** Fri 10/20/2017 4:33:52 PM  
**Subject:** Re: Good line from Fox interview

This clip is in our release.

Sent from my iPhone

> On Oct 20, 2017, at 11:31 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

>

> Adding Jahan

>

> Sent from my iPad

>

>> On Oct 20, 2017, at 12:31 PM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

>>

>> Nice, we need to find this clip. Was this radio or TV? Jahan, do I need to ask Nancy again about definers?

>>

>> -----Original Message-----

>> From: Bennett, Tate

>> Sent: Friday, October 20, 2017 12:27 PM

>> To: Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Letendre, Daisy <letendre.daisy@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>

>> Subject: Good line from Fox interview

>>

>> Critics have suggested the EPA chief would be hesitant to take on the pair of Fortune 500 companies financially responsible for the expensive cleanup. But today Pruitt emphatically pledged the full authority of his agency to force an effective cleanup.

>>

>> Sent from my iPad

**To:** Hull, George[Hull.George@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]  
**From:** Wilcox, Jahan  
**Sent:** Thur 6/8/2017 9:27:58 PM  
**Subject:** FW: Updated Proposal...  
[5.22.17 Definers EPA Monitoring Proposal.pdf](#)

**From:** Joe Pounder [mailto:jpounder@definerscorp.com]  
**Sent:** Monday, May 22, 2017 5:26 PM  
**To:** Wilcox, Jahan <wilcox.jahan@epa.gov>  
**Subject:** Updated Proposal...

Mr. Wilcox,

Please find attached an updated proposal with examples of actual alerts and daily matrix. Please let us know if you have any other questions. Our plan is when it is rolled out to clients, these alerts will be compiled into our Definers Console where they will be also stored and searchable in addition to emailed directly to inboxes. Thanks again.

--

Joe Pounder  
[jpounder@definerscorp.com](mailto:jpounder@definerscorp.com)  
571-290-5460

**To:** Grantham, Nancy[Grantham.Nancy@epa.gov]  
**Cc:** Bowman, Liz[Bowman.Liz@epa.gov]  
**From:** Wilcox, Jahan  
**Sent:** Wed 10/4/2017 6:41:01 PM  
**Subject:** RE: Definers

Thank you!

-----Original Message-----

From: Grantham, Nancy  
Sent: Wednesday, October 4, 2017 2:24 PM  
To: Wilcox, Jahan <wilcox.jahan@epa.gov>  
Cc: Bowman, Liz <Bowman.Liz@epa.gov>  
Subject: Re: Definers

I am sitting with the contracts team right now to finalize what needs to be done

Thx ng

Sent from my iPhone

> On Oct 4, 2017, at 2:20 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:  
>  
> What is the status on this? Ryan just asked for us to pull tv clips and we still don't have Definers who  
can provide this service to us.  
>  
> Let's get this done!

**To:** Wilcox, Jahan[wilcox.jahan@epa.gov]  
**Cc:** Bowman, Liz[Bowman.Liz@epa.gov]  
**From:** Grantham, Nancy  
**Sent:** Wed 10/4/2017 6:23:30 PM  
**Subject:** Re: Definers

I am sitting with the contracts team right now to finalize what needs to be done

Thx ng

Sent from my iPhone

> On Oct 4, 2017, at 2:20 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:  
>  
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>  
> Let's get this done!

**To:** Grantham, Nancy[Grantham.Nancy@epa.gov]  
**Cc:** Bowman, Liz[Bowman.Liz@epa.gov]  
**From:** Wilcox, Jahan  
**Sent:** Wed 10/4/2017 6:20:05 PM  
**Subject:** Definers

What is the status on this? Ryan just asked for us to pull tv clips and we still don't have Definers who can provide this service to us.

Let's get this done!

**To:** Bowman, Liz[Bowman.Liz@epa.gov]  
**From:** Wilcox, Jahan  
**Sent:** Wed 7/26/2017 1:44:04 PM  
**Subject:** RE: Definers?

I think he is still working on funding.

---

**From:** Bowman, Liz  
**Sent:** Wednesday, July 26, 2017 9:29 AM  
**To:** Wilcox, Jahan <wilcox.jahan@epa.gov>  
**Subject:** Definers?

Has George figured this out yet? Do I need to follow-up with him again?

Liz Bowman  
U.S. Environmental Protection Agency (EPA)  
Office: 202-564-3293

**To:** Bowman, Liz[Bowman.Liz@epa.gov]; Graham, Amy[graham.amy@epa.gov]; Konkus, John[konkus.john@epa.gov]  
**From:** Wilcox, Jahan  
**Sent:** Mon 6/19/2017 2:58:48 PM  
**Subject:** FW: Updated Proposal...  
[5.22.17 Definers EPA Monitoring Proposal.pdf](#)

George has been dragging his feet on this for 7 weeks. Attached is the contract.

---

**From:** Wilcox, Jahan  
**Sent:** Monday, June 19, 2017 9:38 AM  
**To:** Hull, George <Hull.George@epa.gov>; 'jpounder@definerscorp.com' <jpounder@definerscorp.com>  
**Subject:** FW: Updated Proposal...

George –

I am adding you to this email. Can you please contact Joe Pounder and circle back with me. I believe Definers is able to do morning summaries or morning media matrixs that we can circulate within the agency to interested people and they are also capable of doing live-time alerts 24 hours a day, 7 days a week.

Thank you,

Jahan

**From:** Joe Pounder [<mailto:jpounder@definerscorp.com>]  
**Sent:** Monday, May 22, 2017 5:26 PM  
**To:** Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>  
**Subject:** Updated Proposal...

Mr. Wilcox,

Please find attached an updated proposal with examples of actual alerts and daily matrix. Please let us know if you have any other questions. Our plan is when it is rolled out to clients, these alerts will be compiled into our Definers Console where they will be also stored and searchable in addition to emailed directly to inboxes. Thanks again.

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Joe Pounder  
[jpounder@definerscorp.com](mailto:jpounder@definerscorp.com)  
571-290-5460

**To:** Wilcox, Jahan[wilcox.jahan@epa.gov]  
**Cc:** Bowman, Liz[Bowman.Liz@epa.gov]  
**From:** Hull, George  
**Sent:** Thur 6/8/2017 11:19:39 PM  
**Subject:** RE: Updated Proposal...

Thanks, Jahan. No, I'm not pushing for Bulletin Intelligence. I think many managers and staff across the agency would benefit from getting compiled clips once a day. I'm not pushing a particular vendor over another. I completely understand the benefit of OPA getting clips in live time and I'm not suggesting we change that. - George

---

**From:** Wilcox, Jahan  
**Sent:** Thursday, June 08, 2017 7:15 PM  
**To:** Hull, George <Hull.George@epa.gov>  
**Cc:** Bowman, Liz <Bowman.Liz@epa.gov>  
**Subject:** Re: Updated Proposal...

Let's talk tomorrow.

I sense you'd really like to get Bulletin but they don't alert stories, tv clips, radio hits and tweets in live time like the interns do.

For example, this weekend everyone was asking me for the Pruitt coverage from the Sunday shows.

Maybe there is a way to do both and make everyone happy, but in terms of actual press people (including everyone in your shop) we need stuff in live time so we can shape it before sometime goes viral, etc.

Sent from my iPhone

On Jun 8, 2017, at 7:06 PM, Hull, George <[Hull.George@epa.gov](mailto:Hull.George@epa.gov)> wrote:

We had around 500 receiving the clips when we used Bulletin Intelligence. It had crept up over time. As employees realized that their bosses were reading, we would get requests to added to the distribution list. Bulletin Intelligence did not place a limit on how many employees could receive. - George

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**From:** Wilcox, Jahan  
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**To:** Hull, George <[Hull.George@epa.gov](mailto:Hull.George@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>  
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**To:** Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>

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Mr. Wilcox,

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Joe Pounder

[jpounder@definerscorp.com](mailto:jpounder@definerscorp.com)

571-290-5460

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**Subject:** Re: Updated Proposal...

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571-290-5460

**To:** Wilcox, Jahan[wilcox.jahan@epa.gov]  
**Cc:** Bowman, Liz[Bowman.Liz@epa.gov]  
**From:** Hull, George  
**Sent:** Thur 6/8/2017 11:06:57 PM  
**Subject:** RE: Updated Proposal...

We had around 500 receiving the clips when we used Bulletin Intelligence. It had crept up over time. As employees realized that their bosses were reading, we would get requests to added to the distribution list. Bulletin Intelligence did not place a limit on how many employees could receive. - George

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**Sent:** Thursday, June 08, 2017 6:37 PM  
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**To:** Hull, George[Hull.George@epa.gov]  
**Cc:** Bowman, Liz[Bowman.Liz@epa.gov]  
**From:** Wilcox, Jahan  
**Sent:** Thur 6/8/2017 10:37:20 PM  
**Subject:** Re: Updated Proposal...

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--

Joe Pounder  
[jpounder@definerscorp.com](mailto:jpounder@definerscorp.com)  
571-290-5460

**To:** Stewart, Keith[Stewart.Keith@epa.gov]; Scott, Elaine[Scott.Elaine@epa.gov]; Wilson, Jessica[Wilson.Jessica@epa.gov]; Dews, Donna[Dews.Donna@epa.gov]; Gosnell, Jody[Gosnell.Jody@epa.gov]  
**From:** Brown, Rayna  
**Sent:** Thur 12/21/2017 11:42:21 PM  
**Subject:** BOTH PROTESTS DISMISSED >> Fwd: B-415800\_1\_\_FENTON\_COMMUNICATIONS  
B-415800\_1\_\_FENTON\_COMMUNICATIONS.pdf  
[ATT00001.htm](#)

Hello all

Now that both protests have been dismissed and the order has been terminated, I look forward to how we learned from this experience. Thanks and have a great day!

Sent from my iPhone

Kind regards,

Rayna Brown  
Service Center Manager  
U.S. Environmental Protection Agency (U.S. EPA)  
OAM/HPOD/PCSC  
(202) 564.6025 Office  
Begin forwarded message:

**From:** "McGraw, Sara" <[McGraw.Sara@epa.gov](mailto:McGraw.Sara@epa.gov)>  
**Date:** December 21, 2017 at 4:47:15 PM EST  
**To:** "Brown, Rayna" <[brown.rayna@epa.gov](mailto:brown.rayna@epa.gov)>  
**Cc:** "Madison, Tommie" <[Madison.Tommie@epa.gov](mailto:Madison.Tommie@epa.gov)>, "Pakula, Kenneth" <[Pakula.Kenneth@epa.gov](mailto:Pakula.Kenneth@epa.gov)>  
**Subject:** Fw: B-415800\_1\_\_FENTON\_COMMUNICATIONS

FYI -- Protests were dismissed.

---

**From:** [MengeshaE@gao.gov](mailto:MengeshaE@gao.gov) <[MengeshaE@gao.gov](mailto:MengeshaE@gao.gov)> on behalf of Mengesha, Ermiyas <[MengeshaE@gao.gov](mailto:MengeshaE@gao.gov)>  
**Sent:** Thursday, December 21, 2017 3:48 PM  
**To:** [darkush@citizen.org.rpost.org](mailto:darkush@citizen.org.rpost.org); [mcgraw.sara@epa.gov.rpost.org](mailto:mcgraw.sara@epa.gov.rpost.org)  
**Cc:** [RibackS@gao.gov.rpost.org](mailto:RibackS@gao.gov.rpost.org); [CalhounT@gao.gov.rpost.org](mailto:CalhounT@gao.gov.rpost.org)  
**Subject:** Registered: B-415800\_1\_\_FENTON\_COMMUNICATIONS

This is a [Registered E-mail](#)<sup>®</sup> message from **Mengesha Ermiyas**.

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Attached you will find the GAO decision regarding the above bid protest.

Thanks,

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For more information about the Registered E-mail® service visit <http://www.rpost.com>



# Decision

**Matter of:** Fenton Communications; New Heights Communications

**File:** B-415800; B-415800.2

**Date:** December 21, 2017

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## DECISION

Fenton Communications and New Heights Communications protest the award of contract No. EP18H000025 for news clipping services to Definers Corporation by the Environmental Protection Agency. The protesters contend that the agency improperly awarded the subject contract on a sole-source basis.

Subsequent to the filing of this protest, the agency notified our Office that it is terminating the awarded contract. When an agency terminates an awardee's contract, the agency's action renders a protest academic. We do not consider academic protests. Ferris Optical, B-403012.2, B-403012.3, Oct. 21, 2010, 2010 CPD ¶ 265 at 1-2.

The protests are dismissed.

Thomas H. Armstrong  
General Counsel



# Decision

**Matter of:** Fenton Communications; New Heights Communications

**File:** B-415800; B-415800.2

**Date:** December 21, 2017

---

## DECISION

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The protests are dismissed.

Thomas H. Armstrong  
General Counsel

# United States Senate

WASHINGTON, DC 20510

December 19, 2017

The Honorable Scott Pruitt  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, D.C. 20460

Dear Administrator Pruitt:

We are writing you to express our concerns about the decision by the Environmental Protection Agency (EPA) to award a \$120,000 no-bid contract for “news analysis” to Definers Public Affairs, as reported this week by *Mother Jones*<sup>1</sup> and the *New York Times*.<sup>2</sup> EPA’s contract with Definers risks further politicizing the agency and is another instance of EPA under your tenure becoming captured by the industry it regulates.<sup>3</sup> At a minimum, it presents an appearance of impropriety to which you as Administrator should never be a party. For the reasons that follow, you should terminate this contract immediately.

Definers shares an address and staff with America Rising, a political action committee (PAC) that has been described as the “unofficial research arm of the Republican party.”<sup>4</sup> America Rising has branded itself as an organization on the right founded “for the sole purpose of exposing the truth about Democrats through video tracking, research, and communications.”<sup>5</sup> The group spends its time attacking Democrats, progressives, and environmentalists and lists Definers as one of its largest vendors.<sup>6</sup> America Rising also operates the 501(c)(4) organization America Rising Squared, a dark money organization whose contributors are anonymous. The leadership teams of America Rising and Definers share numerous individuals. For example, Definers’ founder, Matt Rhoades, also founded America Rising.<sup>7</sup> Definers’ president, Joe Pounder, is also the president of America Rising.<sup>8</sup> Definers’ Senior Vice President, Brian Rogers, is also the executive director of America Rising Squared.<sup>9</sup> These organizations may

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<sup>1</sup> “The EPA Hired a Major Republican Opposition Research Firm to Track Press Activity,” *Mother Jones*, <http://www.motherjones.com/politics/2017/12/the-epa-hired-a-major-republican-opposition-research-firm-to-track-press-activity/>

<sup>2</sup> “E.P.A. Contractor Has Spent Past Year Scouring the Agency for Anti-Trump Officials,” *The New York Times*, <https://www.nytimes.com/2017/12/15/us/politics/epa-scott-pruitt-foia.html>

<sup>3</sup> “How Rollbacks at Scott Pruitt’s E.P.A. Are a Boon to Oil and Gas,” *The New York Times*, <https://www.nytimes.com/2017/05/20/business/energy-environment/devon-energy.html>; “Under Trump, E.P.A. Has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers,” *The New York Times*, <https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html>

<sup>4</sup> “Political Operatives Find Demand for Their Skills in Business World,” *The Wall Street Journal*, <https://www.wsj.com/articles/political-operatives-find-demand-for-their-skills-in-business-world-1462136874>

<sup>5</sup> America Rising, <https://americarisingpac.org/about-us/>

<sup>6</sup> America Rising PAC Expenditures (2018), Open Secrets.org, <https://www.opensecrets.org/pacs/expenditures.php?cmte=C00542902&cycle=2018>

<sup>7</sup> Matt Rhoades, Definers, <https://www.definersdc.com/matt-rhoades>

<sup>8</sup> Joe Pounder, Definers, <https://www.definersdc.com/joe-pounder>

<sup>9</sup> Brian Rogers, Definers, <https://www.definersdc.com/brian-rogers>

have different corporate forms, but we should all be clear that they are merely different parts of the same multi-faceted partisan operation. Any claim they are distinct is a sham.

What's more, America Rising and Definers receive significant funds from interests in the energy sector as well as other industries you regulate as EPA Administrator. While this cabal of Republican opposition research and electioneering organizations can raise much of its money anonymously so that the identities of many of its donors are unknown to the public, press reports about Definers' work and Federal Election Commission (FEC) disclosures from the America Rising PAC make it abundantly clear that companies you regulate are driving much of its work. Definers was hired by fossil fuel interests to work on opposing a local ballot initiative in Colorado that would have placed conditions on oil and gas drilling.<sup>10</sup> America Rising has received sizeable donations from several companies and individuals affiliated with the energy industry, including Hilcorp Energy, L.E. Simmons of SCF Partners, and Jonathon Barrett of Luminus Management LLC. It has also received donations from companies and individuals in other industries regulated by EPA, including Susan Groff of Northwest Excavating, William Kunkler of CC Industries (manufacturing), George Daniels of Daniels Manufacturing, and Jerry Langer of Langer Transport.<sup>11</sup>

Many of these same corporate interests vocally supported your nomination and confirmation as EPA Administrator. America Rising even ran a campaign in support of your confirmation as EPA Administrator which included ads urging senators to vote for your confirmation and the website, [www.ConfirmPruitt.com](http://www.ConfirmPruitt.com).<sup>12</sup> At your confirmation hearing, Senator Whitehouse asked you the following question for the record, which has renewed relevance in light of recent events:

Q 138. Please provide any correspondence or details about other communication between you or anyone working on your behalf concerning the establishment or activities of America Rising, America Rising Squared, and Protecting America Now, and any other organizations that are funding efforts to get you confirmed as EPA Administrator.

A. I am not aware of any such correspondence.

Your response was dubious then, and is even more dubious now.

The America Rising-Definers network has been no less active on your behalf following your confirmation than it was before, even putting aside this recent contract. The aforementioned Joe Pounder, president of Definers *and* America Rising, wears yet another hat in this constellation of interconnected partisan groups: he runs a website called the Need to Know Network (NTK) that has provided favorable coverage of your tenure at EPA.<sup>13</sup> EPA's official Twitter account has even on several occasions tweeted NTK's coverage of your work at EPA.

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<sup>10</sup> "FRACTURED: Undermining Broomfield," *The Colorado Independent*, <http://www.coloradoindependent.com/167431/fractured-undermining-broomfield>

<sup>11</sup> America Rising PAC Contributors (2016), Open Secrets.org, <https://www.opensecrets.org/pacs/pacgave2.php?cmte=C00542902&cycle=2016>

<sup>12</sup> "Conservatives target red-state Democrats to speed Trump's nominations," *Politico*, <https://www.politico.com/story/2016/12/trump-nominations-red-state-democrats-232890>

<sup>13</sup> "Scott Pruitt's media echo chamber," *Grist*, <http://grist.org/article/scott-pruitts-media-echo-chamber/>

As if all this weren't enough, Definers has filed several Freedom of Information Act (FOIA) requests with EPA relating to work EPA was doing under the previous administration with respect to the treatment of wood.<sup>14</sup> It would appear that Definers is working for a corporate client that has business before EPA relating to this matter. America Rising has also filed several FOIA requests with EPA.<sup>15</sup> These requests were filed by the same person who filed the FOIA requests for Definers; this person works at both Definers and America Rising.<sup>16</sup> America Rising's FOIA requests seek to obtain emails from specific EPA employees and/or correspondence between specific EPA employees and various media outlets as well as the staffs of Senators Sheldon Whitehouse, Tom Carper, Elizabeth Warren, and Robert Casey in an apparent effort to uncover "moles" within EPA.

The *New York Times* has recently documented how EPA enforcement has fallen off significantly during your tenure.<sup>17</sup> Senators Carper and Whitehouse last week raised concerns that you have changed agency policy to give regulated industries an unprecedented seat at the table in negotiations to settle lawsuits where EPA is charged with failing to follow through on its statutory commitments to enforce the Clean Air Act and other environmental laws. Hiring a public relations firm with abundant ties to industries you regulate, which is itself part of a broader network of groups active on behalf of you and fossil fuel interests, suggests that you have handed industry the keys to EPA.

None of this can come as a surprise to you. In 2015, America Rising paid to attend the Republican Attorneys General Association (RAGA) annual summit at which you spoke.<sup>18</sup> You led RAGA for two years, where you worked through RAGA to attack EPA during the Obama administration.

Your representatives have claimed that EPA's contract with Definers is for "media monitoring/newsclip compilation"<sup>19</sup> and that it was retained "at a rate that is \$87,000 cheaper than our previous vendor and they are providing no other services."<sup>20</sup> All of the above information about Definers, its activities, clients, and role within a much larger ecosystem of partisan, industry-funded operations research and electioneering groups casts significant doubt on these statements.

In light of the above and in order to shed light on EPA's decision to award this contract, we are asking that you provide the following documents and responses by Thursday, December 21.

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<sup>14</sup> EPA Pending FOIA Requests, [https://www.epa.gov/sites/production/files/2017-09/documents/all\\_pending\\_report\\_20170831.pdf](https://www.epa.gov/sites/production/files/2017-09/documents/all_pending_report_20170831.pdf)

<sup>15</sup> *Id.*

<sup>16</sup> Allan Blutstein, Definers, <https://www.definersdc.com/allan-blutstein>

<sup>17</sup> "Under Trump, E.P.A. Has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers," *The New York Times*, <https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html>

<sup>18</sup> "To Fight Clean Power Plan, Fossil Fuel Companies Paid for Private Meetings with Republican State Prosecutors," DeSmogBlog, <https://www.desmogblog.com/2016/09/07/fight-clean-power-plan-fossil-fuel-companies-paid-private-meetings-republican-state-prosecutors>

<sup>19</sup> "The EPA Hired a Major Republican Opposition Research Firm to Track Press Activity," *Mother Jones*, <http://www.motherjones.com/politics/2017/12/the-epa-hired-a-major-republican-opposition-research-firm-to-track-press-activity/>

<sup>20</sup> "E.P.A. Contractor Has Spent Past Year Scouring the Agency for Anti-Trump Officials," *The New York Times*, <https://www.nytimes.com/2017/12/15/us/politics/epa-scott-pruitt-foia.html>

1. Provide copies of all documents related to the procurement of services with Definers as well as the contract EPA concluded with Definers for these services.
2. What provision of the Federal Acquisition Regulation (FAR) authorized a no-bid contract for the type of services EPA procured from Definers? According to the contract transaction details posted on the [usaspending.gov](https://www.usaspending.gov) website, the reason not to put this contract out to bid was that there was “only one source – other.”<sup>21</sup> Please explain what this means when in fact there are many firms that offer the services for which EPA contracted with Definers, including the firm that previously did that work.
3. Provide copies of all communications between EPA and Definers, America Rising, America Rising Squared, NTK, and any employees and representatives of these entities since February 17, 2017.
4. Confirm that all communications you or any EPA employee have had with any person in question 3, regardless of the form of communication used, have been retained by EPA and searched in response to this inquiry.
5. Provide communications or documentation to establish that no EPA funds paid to Definers or any affiliated group have been spent for “publicity or propaganda” or a “prepackaged news story” in violation of sections 715, 718 or 731 of division E of the Consolidated Appropriations Act, 2017.
6. Provide communications or documentation to establish that no EPA funds paid to Definers or any affiliated group have been spent with the intent or the reasonable expectation that the funds would be used to make a contribution, expenditure, independent expenditure, or disbursement for an electioneering communication in violation of section 735 of division E of the Consolidated Appropriations Act, 2017.
7. Provide all communications between EPA and the Definers – America Rising network as to and regulated entities that are also clients of or donors to Definers – America Rising. Describe and provide all communications related to EPA’s due diligence efforts to determine if any conflicts of interest existed between the agency and regulated entities that are clients of or donors to Definers – America Rising. Provide all communications to or from EPA related to Broomfield, CO, ballot initiative Question 301 this year.<sup>22</sup>
8. Provide documentation or, if not available, a narrative description of the processes and procedures in place to ensure no client or funder of Definers-America Rising or any related entity can exert improper influence over EPA enforcement proceedings or litigation.
9. Provide all communications between EPA and the Definers – America Rising – NTK network of affiliated groups relating to EPA employee communications that were requested under FOIA by anyone from the Definers – America Rising – NTK network of affiliated groups. These employees include but are not limited to Natasha Greaves,

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<sup>21</sup> Definers, USA Spending,

<https://www.usaspending.gov/transparency/Pages/TransactionDetails.aspx?RecordID=53D2AF0E-B566-47BB-8EB4-728DAC00CEB7&AwardID=59978626&AwardType=C>

<sup>22</sup> “FRACTURED: Undermining Broomfield,” *The Colorado Independent*, <http://www.coloradoindependent.com/167431/fractured-undermining-broomfield>

Michael Mikulka, Lucretia Meyers, Thelma Estrada, Gary Morton, Anthony Tseng, Christopher Grundler, Mike Shapiro, John Reeder, Enesta Jones, Christie St. Clair, Deborah Szaro, Michael Cox, Elizabeth Southerland, and Priscilla Oliver. In an interview with the New York Times, Allan Blutstein, a senior vice president at Definers explained that he sought this information to take aim at “resistance” figures in the federal government and to see if they had done anything useful for Republicans.<sup>23</sup> If any of these individuals have faced adverse personnel actions since February 17, 2017, please explain the nature of the action, the circumstances surrounding the action, and provide any correspondence concerning those individuals between EPA and any person affiliated with the Definers – America Rising – NTK network of affiliated groups.

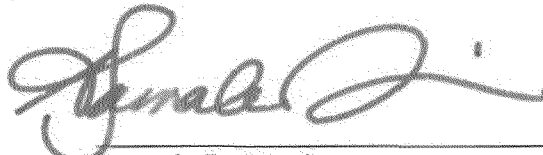
10. Explain how the facts described above – America Rising’s active financial support of your confirmation as well as your earlier political career, NTK’s favorable press coverage of your tenure at EPA, Definer’s working on behalf of regulated entities, regulated entities funding America Rising’s work – do not constitute a series of conflicts of interest. We would be particularly interested to learn why you believe that scientists who are awarded EPA grant money are conflicted while the Definers – America Rising – NTK network is not.

Should you have any questions regarding any of the information we are requesting in this letter, please do not hesitate to contact our staffers, Dan Dudis at [dan\\_dudis@whitehouse.senate.gov](mailto:dan_dudis@whitehouse.senate.gov) and Monica Pham at [monica\\_pham@harris.senate.gov](mailto:monica_pham@harris.senate.gov). We look forward to your response.

Sincerely,



Sheldon Whitehouse  
United States Senator



Kamala D. Harris  
United States Senator

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<sup>23</sup> “E.P.A. Contractor Has Spent Past Year Scouring the Agency for Anti-Trump Officials,” *The New York Times*, <https://www.nytimes.com/2017/12/15/us/politics/epa-scott-pruitt-foia.html>

**To:** Grantham, Nancy[Grantham.Nancy@epa.gov]  
**From:** Williams, Thea  
**Sent:** Fri 1/26/2018 10:35:45 AM  
**Subject:** Reminder: URGENT: Questions for the Record: 12.7.17 Environment Subcmte Hearing  
12.7.17 QFRs Pruitt - PROGRAM OFFICES NOTEDcorrectedv1.docx  
ATT00001.htm

Good morning Nancy: I'm out of the office today on bereavement leave and just checking on the responses. I wanted to wanted check in before I left but time did not permit. Thanks Thea

Sent from my iPhone

Begin forwarded message:

**From:** "Williams, Thea" <Williams.Thea@epa.gov>  
**Date:** January 24, 2018 at 8:47:04 AM EST  
**To:** "Grogard, Megan" <Grogard.Megan@epa.gov>, "Jones-Parra, Lisa" <Jones-Parra.Lisa@epa.gov>, "Kime, Robin" <Kime.Robin@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>  
**Subject:** URGENT: Questions for the Record: 12.7.17 Environment Subcmte Hearing

The attached Word document are QFRs from the Administrator's Dec 7 HEC hearing (incoming attached). Each question has the program office that is responsible for drafting the response. Where more than one office is indicated, there may require some coordination with the second office listed to ensure a fully accurate response.

As the committee has requested a response back by Friday, Feb 2, the deadline for the program responses back to OCIR is no later than 3pm on Friday, Jan 26.

Let me know if you have questions.

Thanks, Thea

Thea Williams

US Environmental Protection Agency

Office of Congressional Affairs & Intergovernmental Relations

202-546-2064

**Congress of the United States**  
**House of Representatives**  
**Washington, D.C. 20515**  
January 5, 2018

The Honorable Scott Pruitt  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Pruitt:

We write to express our serious concerns regarding the awarding of a \$120,000 no-bid contract<sup>1</sup> (“Contract”) by the U.S. Environmental Protection Agency (EPA) to Definers Public Affairs (“Definers”) to provide “news analysis and brief service focusing on EPA work and other topics of interest to EPA.”<sup>2</sup> The awarding of this contract without full and open competition<sup>3</sup> to a company with no apparent experience in providing these services to a Federal agency<sup>4</sup> is concerning enough on its own. However, the political activities and affiliations of Definers make this action more alarming.<sup>5</sup> While Definers recently terminated the contract with EPA, we have outstanding questions regarding EPA’s selection of Definers and whether the Contract was an appropriate use of taxpayer dollars.

Federal records show that on December 7, 2017 EPA contracted with Definers for a total contract value of \$120,000 in a contract not submitted to full and open competition.<sup>6</sup> Additionally, *The Hill* reported that EPA will utilize the company’s “Definers Console” which, according to Definers’ marketing materials, is a “war room” for “media monitoring/newsclip

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<sup>1</sup> EPA Award Number EP18H000025 to Definers Corps. (Dec. 7, 2017) (<https://www.usaspending.gov/Transparency/Pages/TransactionDetails.aspx?RecordID=53D2AF0E-B566-47BB-8EB4-728DAC00CEB7&AwardID=59978626&AwardType=C>) [hereinafter “EPA Award”].

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> Rebecca Leber, Andy Kroll and Russ Choma, *The EPA Hired a Major Republican Opposition Research Firm to Track Press Activity*, Mother Jones (December 15, 2017) (<http://www.motherjones.com/politics/2017/12/the-epa-hired-a-major-republican-opposition-research-firm-to-track-press-activity/>).

<sup>5</sup> Devin Henry, *EPA inks \$120k contract with Republican opposition research firm*, The Hill (Dec. 15, 2017) [hereinafter “Devin Henry”].

<sup>6</sup> EPA Award, *supra* note 1.

compilation.”<sup>7</sup> Definers describes the war room as a tool allowing the firm “to identify and react immediately to opportunities arising out of the news cycle and to flag potential challenges and crises before they take on a life of their own.”<sup>8</sup>

This vague description becomes particularly concerning given the other services offered by Definers. The firm offers lobbying services, including “recruiting and mobilizing constituents, local authorities, like minded organizations, and non-traditional allies.” Clearly, these are services which would constitute a violation of the antilobbying prohibitions if included in the EPA contract. Other services offered include working “to validate your [the client’s] narrative through the press and social media platforms” and “interface[ing] directly with reporters and editors both on and off the record, protecting our clients’ identity when desired.” These services, if included in the scope of the contract, would violate the prohibition on covert propaganda by federal agencies.

Especially concerning, Definers offers clients “dossiers on opponents, competitors and agitators ... packaged in easily digestible, media friendly formats.” We are also deeply troubled that individuals on Definers staff have been involved in a “witch hunt against E.P.A. employees” that may have publicly or privately expressed concerns about the Agency or its leadership. According to a December 17, 2017 article in *The New York Times*,<sup>9</sup> a Senior Vice President of Definers made several Freedom of Information Act (FOIA) requests targeting individual EPA employees who may have either expressed concerns about the direction of the Agency to meet its statutory missions of protecting human health or the environment. *The New York Times* reports that the targeted actions may have included private conversations at an off-site luncheon, a letter to Administrator Pruitt, or attendance at a rally protesting budgetary cuts to the agency.<sup>10</sup>

We have become increasingly concerned about the secrecy and lack of transparency from your administration, and this latest report is an alarming new development. Hiring a firm that offers services attacking the press and surveilling your employees threatens the functioning of your agency and potentially the freedom of the press guaranteed by our Constitution.

We request that you respond to the following by January 19, 2018:

1. What was your role in selecting Definers for this award? In addition to yourself, which EPA political appointees were involved in selecting Definers? Please provide all communications between yourself and all other EPA political appointees and any Definers representative between February 17, 2017 and December 7, 2017.

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<sup>7</sup> Devin Henry, *supra* note 5.

<sup>8</sup> Definers Public Affairs, “What We Do” (<https://www.definersdc.com/services>).

<sup>9</sup> Eric Lipton and Lisa Friedman, *E.P.A. Employees Spoke Out. Then Came Scrutiny of Their Email*, *The New York Times*, (Dec. 17, 2017).

<sup>10</sup> *See id.*

2. Were you or other EPA political appointees aware of the FOIA requests filed by Definers employees against individual agency employees before the contract was awarded? Were those FOIA requests considered in the identification of Definers as a potential candidate for the Contract, or a factor in ultimately awarding the Contract?
3. Was Definers, America Rising, or any of their agents involved in creating or funding the website ConfirmPruitt.com?
4. Were you, any of your agents, or any current EPA employees involved in generating or reviewing the content of the website ConfirmPruitt.com, or providing or raising funds for the site? Did any representative of Definers, America Rising, or America Rising Squared generate or review content for the website?
5. What work did Definers perform for EPA pursuant to the contract? Please provide a list of all services performed by Definers for EPA during the duration of the contract, including the date, the service provided, time required, the itemized cost, and the name of the Definers employee who performed the work. What was the total amount of taxpayer funds EPA paid Definers during the duration of the contract? Please provide copies of all communications between EPA and any representative of Definers, America Rising, America Rising Squared, and the Need to Know Network during calendar year 2017.
6. On December 10, *The New York Times* published an article identifying an alarming decrease in enforcement actions brought by the EPA during your administration.<sup>11</sup> EPA issued an unusual press release in response, which has since been removed from the Agency website but continues to be cited by conservative media sources. What role did Definers play in the agency's response to the December 10<sup>th</sup> article? Provide any correspondence between EPA and any representative of Definers, America Rising, America Rising Squared, and the Need to Know Network regarding the December 10<sup>th</sup> article.
7. What firewalls were in place in the contract with Definers Corp to ensure that Definers firewalled the media monitoring services provided under the Contract from its services that would violate the Publicity or Propaganda Prohibition and Anti-Lobbying provisions?
8. Please provide a copy of the contract between EPA and Definers Corp. including any statement of work.

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<sup>11</sup> Eric Lipton and Danielle Ivory, *Under Trump, EPA has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers*, New York Times, (Dec. 10, 2017).

Thank you for your prompt attention to this matter. If you have any questions, please contact Jacqueline Cohen from the Committee on Energy and Commerce Democratic Staff at (202) 225-3641.

Sincerely,



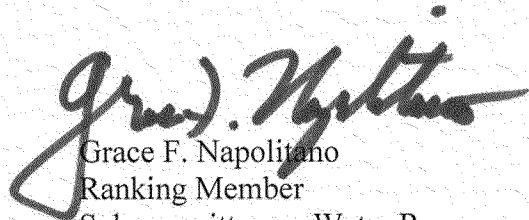
Franks Pallone, Jr.  
Ranking Member  
Committee on Energy and Commerce



Peter DeFazio  
Ranking Member  
Committee on Transportation  
and Infrastructure



Paul D. Tonko  
Ranking Member  
Subcommittee on Environment  
Committee on Energy and Commerce



Grace F. Napolitano  
Ranking Member  
Subcommittee on Water Resources  
and Environment  
Committee on Transportation  
and Infrastructure



Betty McCollum  
Ranking Member  
Subcommittee on Interior,  
Environment and Related Agencies  
Committee on Appropriations

**To:** White, Candace[White.Candace@epa.gov]  
**Cc:** Grantham, Nancy[Grantham.Nancy@epa.gov]; Clarke, Victoria[clarke.victoria@epa.gov]  
**From:** Creech, Christopher  
**Sent:** Tue 10/24/2017 8:01:47 PM  
**Subject:** New Clarification Letters for  
OPA - Clarification FOIA Online Emails.docx

Hello Candy,

Attached are new letters for your review and for you to send to FOIA requesters for further clarification of their requests. Before sending, please review the letters and ensure that they are accurate. Note, also, that there are 42 letters.

Please let me know if you have any questions. Thanks!

All the Best,

Christopher T. Creech  
Law Clerk  
Office of General Counsel  
U.S. Environmental Protection Agency  
(202) 564-4286  
Room 7309 C  
Creech.Christopher@EPA.gov



# United States Senate

WASHINGTON, DC 20510

December 19, 2017

The Honorable Scott Pruitt  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, D.C. 20460

Dear Administrator Pruitt:

We are writing you to express our concerns about the decision by the Environmental Protection Agency (EPA) to award a \$120,000 no-bid contract for “news analysis” to Definers Public Affairs, as reported this week by *Mother Jones*<sup>1</sup> and the *New York Times*.<sup>2</sup> EPA’s contract with Definers risks further politicizing the agency and is another instance of EPA under your tenure becoming captured by the industry it regulates.<sup>3</sup> At a minimum, it presents an appearance of impropriety to which you as Administrator should never be a party. For the reasons that follow, you should terminate this contract immediately.

Definers shares an address and staff with America Rising, a political action committee (PAC) that has been described as the “unofficial research arm of the Republican party.”<sup>4</sup> America Rising has branded itself as an organization on the right founded “for the sole purpose of exposing the truth about Democrats through video tracking, research, and communications.”<sup>5</sup> The group spends its time attacking Democrats, progressives, and environmentalists and lists Definers as one of its largest vendors.<sup>6</sup> America Rising also operates the 501(c)(4) organization America Rising Squared, a dark money organization whose contributors are anonymous. The leadership teams of America Rising and Definers share numerous individuals. For example, Definers’ founder, Matt Rhoades, also founded America Rising.<sup>7</sup> Definers’ president, Joe Pounder, is also the president of America Rising.<sup>8</sup> Definers’ Senior Vice President, Brian Rogers, is also the executive director of America Rising Squared.<sup>9</sup> These organizations may

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<sup>1</sup> “The EPA Hired a Major Republican Opposition Research Firm to Track Press Activity,” *Mother Jones*, <http://www.motherjones.com/politics/2017/12/the-epa-hired-a-major-republican-opposition-research-firm-to-track-press-activity/>

<sup>2</sup> “E.P.A. Contractor Has Spent Past Year Scouring the Agency for Anti-Trump Officials,” *The New York Times*, <https://www.nytimes.com/2017/12/15/us/politics/epa-scott-pruitt-foia.html>

<sup>3</sup> “How Rollbacks at Scott Pruitt’s E.P.A. Are a Boon to Oil and Gas,” *The New York Times*, <https://www.nytimes.com/2017/05/20/business/energy-environment/devon-energy.html>; “Under Trump, E.P.A. Has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers,” *The New York Times*, <https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html>

<sup>4</sup> “Political Operatives Find Demand for Their Skills in Business World,” *The Wall Street Journal*, <https://www.wsj.com/articles/political-operatives-find-demand-for-their-skills-in-business-world-1462136874>

<sup>5</sup> America Rising, <https://americarisingpac.org/about-us/>

<sup>6</sup> America Rising PAC Expenditures (2018), Open Secrets.org, <https://www.opensecrets.org/pacs/expenditures.php?cmte=C00542902&cycle=2018>

<sup>7</sup> Matt Rhoades, Definers, <https://www.definersdc.com/matt-rhoades>

<sup>8</sup> Joe Pounder, Definers, <https://www.definersdc.com/joe-pounder>

<sup>9</sup> Brian Rogers, Definers, <https://www.definersdc.com/brian-rogers>

have different corporate forms, but we should all be clear that they are merely different parts of the same multi-faceted partisan operation. Any claim they are distinct is a sham.

What's more, America Rising and Definers receive significant funds from interests in the energy sector as well as other industries you regulate as EPA Administrator. While this cabal of Republican opposition research and electioneering organizations can raise much of its money anonymously so that the identities of many of its donors are unknown to the public, press reports about Definers' work and Federal Election Commission (FEC) disclosures from the America Rising PAC make it abundantly clear that companies you regulate are driving much of its work. Definers was hired by fossil fuel interests to work on opposing a local ballot initiative in Colorado that would have placed conditions on oil and gas drilling.<sup>10</sup> America Rising has received sizeable donations from several companies and individuals affiliated with the energy industry, including Hilcorp Energy, L.E. Simmons of SCF Partners, and Jonathon Barrett of Luminus Management LLC. It has also received donations from companies and individuals in other industries regulated by EPA, including Susan Groff of Northwest Excavating, William Kunkler of CC Industries (manufacturing), George Daniels of Daniels Manufacturing, and Jerry Langer of Langer Transport.<sup>11</sup>

Many of these same corporate interests vocally supported your nomination and confirmation as EPA Administrator. America Rising even ran a campaign in support of your confirmation as EPA Administrator which included ads urging senators to vote for your confirmation and the website, [www.ConfirmPruitt.com](http://www.ConfirmPruitt.com).<sup>12</sup> At your confirmation hearing, Senator Whitehouse asked you the following question for the record, which has renewed relevance in light of recent events:

Q 138. Please provide any correspondence or details about other communication between you or anyone working on your behalf concerning the establishment or activities of America Rising, America Rising Squared, and Protecting America Now, and any other organizations that are funding efforts to get you confirmed as EPA Administrator.

A. I am not aware of any such correspondence.

Your response was dubious then, and is even more dubious now.

The America Rising-Definers network has been no less active on your behalf following your confirmation than it was before, even putting aside this recent contract. The aforementioned Joe Pounder, president of Definers *and* America Rising, wears yet another hat in this constellation of interconnected partisan groups: he runs a website called the Need to Know Network (NTK) that has provided favorable coverage of your tenure at EPA.<sup>13</sup> EPA's official Twitter account has even on several occasions tweeted NTK's coverage of your work at EPA.

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<sup>10</sup> "FRACTURED: Undermining Broomfield," *The Colorado Independent*, <http://www.coloradoindependent.com/167431/fractured-undermining-broomfield>

<sup>11</sup> America Rising PAC Contributors (2016), Open Secrets.org, <https://www.opensecrets.org/pacs/pacgave2.php?cmte=C00542902&cycle=2016>

<sup>12</sup> "Conservatives target red-state Democrats to speed Trump's nominations," *Politico*, <https://www.politico.com/story/2016/12/trump-nominations-red-state-democrats-232890>

<sup>13</sup> "Scott Pruitt's media echo chamber," *Grist*, <http://grist.org/article/scott-pruitts-media-echo-chamber/>

As if all this weren't enough, Definers has filed several Freedom of Information Act (FOIA) requests with EPA relating to work EPA was doing under the previous administration with respect to the treatment of wood.<sup>14</sup> It would appear that Definers is working for a corporate client that has business before EPA relating to this matter. America Rising has also filed several FOIA requests with EPA.<sup>15</sup> These requests were filed by the same person who filed the FOIA requests for Definers; this person works at both Definers and America Rising.<sup>16</sup> America Rising's FOIA requests seek to obtain emails from specific EPA employees and/or correspondence between specific EPA employees and various media outlets as well as the staffs of Senators Sheldon Whitehouse, Tom Carper, Elizabeth Warren, and Robert Casey in an apparent effort to uncover "moles" within EPA.

The *New York Times* has recently documented how EPA enforcement has fallen off significantly during your tenure.<sup>17</sup> Senators Carper and Whitehouse last week raised concerns that you have changed agency policy to give regulated industries an unprecedented seat at the table in negotiations to settle lawsuits where EPA is charged with failing to follow through on its statutory commitments to enforce the Clean Air Act and other environmental laws. Hiring a public relations firm with abundant ties to industries you regulate, which is itself part of a broader network of groups active on behalf of you and fossil fuel interests, suggests that you have handed industry the keys to EPA.

None of this can come as a surprise to you. In 2015, America Rising paid to attend the Republican Attorneys General Association (RAGA) annual summit at which you spoke.<sup>18</sup> You led RAGA for two years, where you worked through RAGA to attack EPA during the Obama administration.

Your representatives have claimed that EPA's contract with Definers is for "media monitoring/newsclip compilation"<sup>19</sup> and that it was retained "at a rate that is \$87,000 cheaper than our previous vendor and they are providing no other services."<sup>20</sup> All of the above information about Definers, its activities, clients, and role within a much larger ecosystem of partisan, industry-funded operations research and electioneering groups casts significant doubt on these statements.

In light of the above and in order to shed light on EPA's decision to award this contract, we are asking that you provide the following documents and responses by Thursday, December 21.

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<sup>14</sup> EPA Pending FOIA Requests, [https://www.epa.gov/sites/production/files/2017-09/documents/all\\_pending\\_report\\_20170831.pdf](https://www.epa.gov/sites/production/files/2017-09/documents/all_pending_report_20170831.pdf)

<sup>15</sup> *Id.*

<sup>16</sup> Allan Blutstein, Definers, <https://www.definersdc.com/allan-blutstein>

<sup>17</sup> "Under Trump, E.P.A. Has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers," *The New York Times*, <https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html>

<sup>18</sup> "To Fight Clean Power Plan, Fossil Fuel Companies Paid for Private Meetings with Republican State Prosecutors," DeSmogBlog, <https://www.desmogblog.com/2016/09/07/fight-clean-power-plan-fossil-fuel-companies-paid-private-meetings-republican-state-prosecutors>

<sup>19</sup> "The EPA Hired a Major Republican Opposition Research Firm to Track Press Activity," *Mother Jones*, <http://www.motherjones.com/politics/2017/12/the-epa-hired-a-major-republican-opposition-research-firm-to-track-press-activity/>

<sup>20</sup> "E.P.A. Contractor Has Spent Past Year Scouring the Agency for Anti-Trump Officials," *The New York Times*, <https://www.nytimes.com/2017/12/15/us/politics/epa-scott-pruitt-foia.html>

1. Provide copies of all documents related to the procurement of services with Definers as well as the contract EPA concluded with Definers for these services.
2. What provision of the Federal Acquisition Regulation (FAR) authorized a no-bid contract for the type of services EPA procured from Definers? According to the contract transaction details posted on the [usaspending.gov](https://www.usaspending.gov) website, the reason not to put this contract out to bid was that there was “only one source – other.”<sup>21</sup> Please explain what this means when in fact there are many firms that offer the services for which EPA contracted with Definers, including the firm that previously did that work.
3. Provide copies of all communications between EPA and Definers, America Rising, America Rising Squared, NTK, and any employees and representatives of these entities since February 17, 2017.
4. Confirm that all communications you or any EPA employee have had with any person in question 3, regardless of the form of communication used, have been retained by EPA and searched in response to this inquiry.
5. Provide communications or documentation to establish that no EPA funds paid to Definers or any affiliated group have been spent for “publicity or propaganda” or a “prepackaged news story” in violation of sections 715, 718 or 731 of division E of the Consolidated Appropriations Act, 2017.
6. Provide communications or documentation to establish that no EPA funds paid to Definers or any affiliated group have been spent with the intent or the reasonable expectation that the funds would be used to make a contribution, expenditure, independent expenditure, or disbursement for an electioneering communication in violation of section 735 of division E of the Consolidated Appropriations Act, 2017.
7. Provide all communications between EPA and the Definers – America Rising network as to and regulated entities that are also clients of or donors to Definers – America Rising. Describe and provide all communications related to EPA’s due diligence efforts to determine if any conflicts of interest existed between the agency and regulated entities that are clients of or donors to Definers – America Rising. Provide all communications to or from EPA related to Broomfield, CO, ballot initiative Question 301 this year.<sup>22</sup>
8. Provide documentation or, if not available, a narrative description of the processes and procedures in place to ensure no client or funder of Definers-America Rising or any related entity can exert improper influence over EPA enforcement proceedings or litigation.
9. Provide all communications between EPA and the Definers – America Rising – NTK network of affiliated groups relating to EPA employee communications that were requested under FOIA by anyone from the Definers – America Rising – NTK network of affiliated groups. These employees include but are not limited to Natasha Greaves,

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<sup>21</sup> Definers, USA Spending,

<https://www.usaspending.gov/transparency/Pages/TransactionDetails.aspx?RecordID=53D2AF0E-B566-47BB-8EB4-728DAC00CEB7&AwardID=59978626&AwardType=C>

<sup>22</sup> “FRACTURED: Undermining Broomfield,” *The Colorado Independent*, <http://www.coloradoindependent.com/167431/fractured-undermining-broomfield>

Michael Mikulka, Lucretia Meyers, Thelma Estrada, Gary Morton, Anthony Tseng, Christopher Grundler, Mike Shapiro, John Reeder, Enesta Jones, Christie St. Clair, Deborah Szaro, Michael Cox, Elizabeth Southerland, and Priscilla Oliver. In an interview with the New York Times, Allan Blutstein, a senior vice president at Definers explained that he sought this information to take aim at “resistance” figures in the federal government and to see if they had done anything useful for Republicans.<sup>23</sup> If any of these individuals have faced adverse personnel actions since February 17, 2017, please explain the nature of the action, the circumstances surrounding the action, and provide any correspondence concerning those individuals between EPA and any person affiliated with the Definers – America Rising – NTK network of affiliated groups.

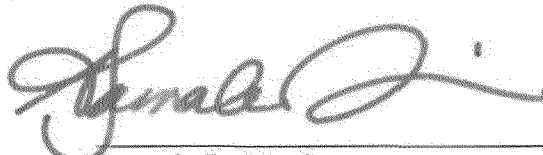
10. Explain how the facts described above – America Rising’s active financial support of your confirmation as well as your earlier political career, NTK’s favorable press coverage of your tenure at EPA, Definer’s working on behalf of regulated entities, regulated entities funding America Rising’s work – do not constitute a series of conflicts of interest. We would be particularly interested to learn why you believe that scientists who are awarded EPA grant money are conflicted while the Definers – America Rising – NTK network is not.

Should you have any questions regarding any of the information we are requesting in this letter, please do not hesitate to contact our staffers, Dan Dudis at [dan\\_dudis@whitehouse.senate.gov](mailto:dan_dudis@whitehouse.senate.gov) and Monica Pham at [monica\\_pham@harris.senate.gov](mailto:monica_pham@harris.senate.gov). We look forward to your response.

Sincerely,



Sheldon Whitehouse  
United States Senator



Kamala D. Harris  
United States Senator

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<sup>23</sup> “E.P.A. Contractor Has Spent Past Year Scouring the Agency for Anti-Trump Officials,” *The New York Times*, <https://www.nytimes.com/2017/12/15/us/politics/epa-scott-pruitt-foia.html>

**From:** Grantham, Nancy  
**Location:** DCRoomARN3428/OCIR  
**Importance:** Normal  
**Subject:** Accepted: Call with Senate staff on Definers Public Affairs  
**Start Time:** Fri 5/11/2018 6:00:00 PM  
**End Time:** Fri 5/11/2018 6:30:00 PM  
**Required Attendees:** Aarons, Kyle

**From:** Grantham, Nancy  
**Location:** DCRoomARN3428/OCIR  
**Importance:** Normal  
**Subject:** Accepted: Pre-call for discussion with Senate staff on Definers Public Affairs  
**Start Time:** Fri 5/11/2018 3:30:00 PM  
**End Time:** Fri 5/11/2018 4:00:00 PM  
**Required Attendees:** Aarons, Kyle

## DETERMINATION TO SOLICIT FROM A SINGLE SOURCE SIMPLIFIED ACQUISITION PROCEDURES

1. FAR 13.106-1(b) states that contracting officers may solicit from one source if the contracting officer determines that the circumstances of the contract action deem only one source to be reasonably available.

2. I determine only one source to be reasonably available based one of the following circumstances as set forth in FAR 6.302:

- ☒ Only one responsible source and no other supplies or services will satisfy Agency requirements
- ☐ Unusual and compelling urgency
- ☐ Industrial mobilization; engineering, development or research capability; or expert services
- ☐ International agreement
- ☐ Authorized or required by statute
- ☐ National security
- ☐ Public interest

3. Brief description of the reason for your determination:

The identified contractor Definers Public Affairs is the sole supplier/owner for “**Definers Console-Based War Room System**”. **This sole source function** automatically notifies its users via e-mail of news alerts along with logging in go through the alerts in one convenient location. The Console includes a robust search function that will enable its users too quickly find and filter the stories alerted by Definers.

**The EPA will have the ability to use the Definers Console-based War Room System:**

- Proprietary advanced search functions within the clips
- Standalone media clip database including perpetual retention so that information is always available regardless of email retention policies or other limitations of email platforms
- Specially trained and experienced researchers to provide relevant and actionable analysis
- Digital and human analytics coverage throughout the day
- Media tags that are tailored to your company’s areas of interests, which allow for quick sorting and tracking of your customized data streams.
- Delivered through our proprietary web interface which allows for email distribution as well.

Definers satisfies the subject requirement for, The U.S. Environmental Protection Office of Administrator and Executive Services (OA) in public affairs request. The EPA team can be automatically notified that allows the Office of Administrator extensive media monitoring with a product that is an aggressive style of campaign-style delivery of real time coverage of stories, broadcasts and articles from major outlets. The provider Definers., is the only responsible source that will satisfy Agency requirements and no other supplies or services will satisfactorily meet the requirement.

4.. This determination satisfies the requirements of FAR 13.106-1(b) & FAR 13.106-3(b)(3)(i). The requirement to prepare a written justification in accordance with FAR 6.303 does not apply to purchases using simplified acquisition procedures.

Jessica V. Wilson  
Jessica V. Wilson  
Contracting Officer

12/07/17  
Date

Donna Dews  
Donna Dews  
Contracting Specialist

12/07/17  
Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
THE ADMINISTRATOR

**MEMORANDUM**

SUBJECT: Request for Sole Source Purchase Award

FROM: Nancy Grantham, Acting Principal Deputy Associate Administrator  
Office of Public Affairs

A handwritten signature in dark ink, appearing to read "Nancy Grantham", written over the printed name and title.

TO: Jessica Wilson, Contracting Officer  
Headquarters Procurement Operations Division, PCSC/OAM (3803r)

DATE: December 7, 2017

This letter serves to justify the sole source purchase of services from Definers for media clip and war rooms media services.

Definers offers intensive, near live-time "war room" coverage of media stories for specific topics, events or announcements. They also provide access to a searchable database of EPA topics and issues while compiling news articles delivered by email daily.

The vendor has a customizable and proprietary Console which brings together cutting-edge technology and human analysis to provide real-time actionable intelligence based on the most relevant information. It allows organizations to have a holistic view of what is occurring in the public domain with regards to their organization and relevant sectors, both domestically and globally.

This service is vital to EPA's Office of Public Affairs to fully monitor and respond quickly to breaking media coverage. This service also directly supports the Administrator and other senior EPA officials by providing them with timely updates on media stories. I believe it is of the best value to the agency to pursue this contract.

**To:** Grantham, Nancy[Grantham.Nancy@epa.gov]  
**From:** Grantham, Nancy  
**Sent:** Fri 12/15/2017 4:09:37 AM  
**Subject:** Fwd: Request for comment on Definers contract, deadline end of day

Sent from my iPhone

Begin forwarded message:

**Resent-From:** <Press@epa.gov>  
**From:** Rebecca Leber <rleber@motherjones.com>  
**Date:** December 14, 2017 at 3:36:29 PM EST  
**To:** Press <Press@epa.gov>, "Wilcox, Jahan" <wilcox.jahan@epa.gov>  
**Subject:** Request for comment on Definers contract, deadline end of day

Writing to request comment on federal records showing that the EPA has hired Definers Corp., a PR firm associated with GOP campaigns, on a \$120,000 federal contract to conduct media monitoring.

What work was Definers hired for?

Can you comment on Jahan Wilcox's connections to the staff at Definers, and if he or any other staff played a role in facilitating the contract?

My deadline is end of the day, thank you

Rebecca Leber

**To:** Knapp, Kristien[Knapp.Kristien@epa.gov]  
**Cc:** Aarons, Kyle[Aarons.Kyle@epa.gov]  
**From:** Grantham, Nancy  
**Sent:** Fri 7/20/2018 2:50:53 PM  
**Subject:** Re: Definers follow-up response

Will get yo you shortly

Sent from my iPhone

On Jul 20, 2018, at 10:47 AM, Knapp, Kristien <[Knapp.Kristien@epa.gov](mailto:Knapp.Kristien@epa.gov)> wrote:

Hi Nancy –

Just checking in to see if you have drafted anything to respond to the Definers follow-up letter, or if you need anything from us.

Thanks,  
Kristien

Kristien Knapp  
Legislative and Oversight Counsel  
Office of Congressional Affairs  
U.S. Environmental Protection Agency  
(202) 564-3277

<2018-06-19 Definers June Letter.pdf>

**From:** Grantham, Nancy  
**Location:** DCRoomARN3428/OCIR  
**Importance:** Normal  
**Subject:** Accepted: Oversight letter on Definers Public Affairs  
**Start Time:** Wed 12/20/2017 2:00:00 PM  
**End Time:** Wed 12/20/2017 2:30:00 PM  
**Required Attendees:** Aarons, Kyle



Committee on Transportation and Infrastructure  
U.S. House of Representatives

Bill Shuster  
Chairman

Washington, DC 20515

Peter A. DeFazio  
Ranking Member

January 3, 2018

Mathew M. Sturges, Staff Director

Katherine W. Dedrick, Democratic Staff Director

The Honorable Scott Pruitt  
Administrator  
U.S. Environmental Protection Agency  
Mail Code 1101A  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Pruitt:

I write to request further information on the process for awarding a \$120,000 no-bid contract<sup>1</sup> ("Contract") by the U.S. Environmental Protection Agency (EPA) to Definers Public Affairs ("Definers") to provide "news analysis and brief service focusing on EPA work and other topics of interest to EPA."<sup>2</sup> While I am aware of press reports that EPA and Definers may have agreed to cancel this contract,<sup>3</sup> I request this information for Congressional oversight of the process by which EPA provided notice and solicited offers for this work, and identified and awarded Definers the contract for this work.

According to Federal records, on December 7, 2017, EPA contracted with Definers for a total contract value of \$120,000 in a contract not submitted for full and open competition.<sup>4</sup> According to *The Hill*, EPA planned to utilize the company's "Definers Console" which, according to Definers' marketing materials, is a "war room" for "media monitoring/newsclip compilation".<sup>5</sup>

An online summary of the Contract states that it was not submitted to full and open competition, citing an "ONLY ONE SOURCE - OTHER" exception.<sup>6</sup> However, in a news article,

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<sup>1</sup> EPA Award Number EP18H000025 to Definers Corps. (Dec. 7, 2017), *available at* <https://www.usaspending.gov/Transparency/Pages/TransactionDetails.aspx?RecordID=53D2AF0E-B566-47BB-8EB4-728DAC00CEB7&AwardID=59978626&AwardType=C> [hereinafter "EPA Award"].

<sup>2</sup> *Id.*

<sup>3</sup> Eric Lipton and Lisa Friedman, *Consulting Firm Whose Staff Scoured E.P.A. Employees' Emails Loses Media Contract*, New York Times (Dec. 19, 2017), <https://www.nytimes.com/2017/12/19/climate/epa-definers-public-affairs-contract.html>.

<sup>4</sup> EPA Award, *supra* note 1.

<sup>5</sup> Devin Henry, *EPA inks \$120k contract with Republican opposition research firm*, The Hill (Dec. 15, 2017), <http://thehill.com/policy/energy-environment/365088-epa-inks-120k-contract-with-republican-opposition-research-firm>.

<sup>6</sup> EPA Award, *supra* note 1.

EPA spokesperson, Nancy Grantham, stated, “When the government seeks to sole-source a contract, notice must be placed on *FedConnect* or *FedBizOps* so other vendors have an opportunity to provide documentation of their ability to provide the services outlined in the contract scope of work... In this case, one additional vendor responded with their qualifications and the media/news clips contract was awarded to Definers.”<sup>7</sup> This statement from EPA seems to suggest that Definers was not the only company that responded to EPA’s contract solicitation, and that EPA may have received multiple bids from vendors in response to this solicitation and notice.

In the same story, the EPA spokesperson stated that the Definers Contract was “\$87,000 cheaper than our previous media monitoring vendor,”<sup>8</sup> which, again, suggests that other companies were potentially available to provide similar services.

I also request further information on your personal involvement, or the involvement of the political staff of EPA, in the identification of Definers as a potential candidate for the Contract. I am aware that your Senior Communications Advisor worked with two current Definers staff during the Rubio for President Campaign.<sup>9</sup> I am also well aware that several Definers staff are previous founders, leaders, and employees of the American Rising PAC, a political video tracking firm that targets Democratic candidates for elected office.<sup>10</sup> Similarly, several current Definers staff also hold positions with other political organizations, such as America Rising Squared or Reclaim Connecticut<sup>11</sup>—both organizations that appear to target the “Environmentalism Left... and exposing their extreme rhetoric and agenda.”<sup>12</sup> Yet, while the staff of Definers have a partisan reputation and history of campaign work for Republican causes, I see no evidence that Definers has any prior experience in providing “news analysis and brief service focusing on EPA work and other topics of interest to EPA”, as required by the contract.

The only EPA-related experience I could uncover by Definers staff is the reported “witch hunt against EPA employees” alleged to have expressed concerns about the agency or its leadership. According to *The New York Times*, a Senior Vice President of Definers, Allan Blutstein, has made several Freedom of Information Act (FOIA) requests targeting individual EPA employees who, Mr. Blutstein alleges, have raised concerns about the ability of the agency to meet its statutory missions of protection of human health and the environment. In only a cursory look at *FOIAonline*, in calendar year 2017, Mr. Blutstein made 25 FOIA requests of EPA on behalf of America Rising—20 of which specifically target the individual emails of EPA staff to various news organizations or Congressional offices. While the specific intentions of Mr. Blutstein are not known, the fact that you were willing to hire a company that would personally and publically target your employees for potential harassment portends a type of personnel management taken right out of George Orwell’s *1984*.

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<sup>7</sup> Kevin Bogardus, *Agency signs Republican PR firm to \$120K contract*, Greenwire (Dec. 15, 2017), <https://www.eenews.net/greenwire/2017/12/15/stories/1060069191>.

<sup>8</sup> See *id.*

<sup>9</sup> Cf. <https://www.linkedin.com/in/jahan-wilcox-ab55477/> with <https://www.linkedin.com/in/joe-pounder-5b5b66b/> and <https://www.linkedin.com/in/mike-chenderlin-319a90106/>.

<sup>10</sup> See <https://americarisingpac.org/>

<sup>11</sup> See <https://reclaimct.com/about-us/>

<sup>12</sup> See <http://arsquared.org/energy/>

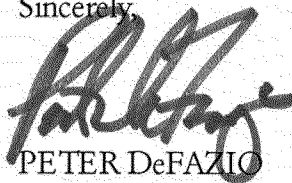
To exercise our Congressional oversight responsibilities, I request additional information related to the awarding of the Contract to Definers. Specifically, I request you provide my office on the Committee on Transportation and Infrastructure with the following information:

1. A copy of the initial public solicitation or notice related to the “news analysis and brief service” work put out for bid, including evidence on the manner in which this solicitation or notice was made publicly available and a timeline on the contract solicitation period;
2. A description of the internal EPA process utilized to publicly notice and solicit offers for this work and to identify and award the contract for this work, including the identity of EPA staff (including political staff) that participated in this process;
3. A copy of all formal contract responses or other indications of interest to this solicitation or notice from prospective companies seeking to bid on this work;
4. A copy of all internal EPA emails, EPA communications, or other deliberative materials related to Definers, current Definers staff, or the Contract;
5. A description of the prior experience of Definers in providing “news analysis and brief service focusing on EPA work and other topics of interest to EPA”, as required by the Contract;
6. A copy of the final Contract with Definers; and
7. A copy of the contract between EPA and any company that provided similar media monitoring services to the agency *immediately prior* to the awarding of the Contract with Definers (press reports indicate that this contract was with a company called Bulletin Intelligence, LLC).

If you have any questions regarding this request, please have your staff contact the Democratic Staff of the Subcommittee on Water Resources and Environment at (202) 225-0060.

Thank you for your prompt attention to this matter.

Sincerely,



PETER DeFAZIO  
Ranking Member

**Congress of the United States**  
**House of Representatives**  
**Washington, D.C. 20515**  
January 5, 2018

The Honorable Scott Pruitt  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Pruitt:

We write to express our serious concerns regarding the awarding of a \$120,000 no-bid contract<sup>1</sup> (“Contract”) by the U.S. Environmental Protection Agency (EPA) to Definers Public Affairs (“Definers”) to provide “news analysis and brief service focusing on EPA work and other topics of interest to EPA.”<sup>2</sup> The awarding of this contract without full and open competition<sup>3</sup> to a company with no apparent experience in providing these services to a Federal agency<sup>4</sup> is concerning enough on its own. However, the political activities and affiliations of Definers make this action more alarming.<sup>5</sup> While Definers recently terminated the contract with EPA, we have outstanding questions regarding EPA’s selection of Definers and whether the Contract was an appropriate use of taxpayer dollars.

Federal records show that on December 7, 2017 EPA contracted with Definers for a total contract value of \$120,000 in a contract not submitted to full and open competition.<sup>6</sup> Additionally, *The Hill* reported that EPA will utilize the company’s “Definers Console” which, according to Definers’ marketing materials, is a “war room” for “media monitoring/newsclip

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<sup>1</sup> EPA Award Number EP18H000025 to Definers Corps. (Dec. 7, 2017) (<https://www.usaspending.gov/Transparency/Pages/TransactionDetails.aspx?RecordID=53D2AF0E-B566-47BB-8EB4-728DAC00CEB7&AwardID=59978626&AwardType=C>) [hereinafter “EPA Award”].

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> Rebecca Leber, Andy Kroll and Russ Choma, *The EPA Hired a Major Republican Opposition Research Firm to Track Press Activity*, Mother Jones (December 15, 2017) (<http://www.motherjones.com/politics/2017/12/the-epa-hired-a-major-republican-opposition-research-firm-to-track-press-activity/>).

<sup>5</sup> Devin Henry, *EPA inks \$120k contract with Republican opposition research firm*, The Hill (Dec. 15, 2017) [hereinafter “Devin Henry”].

<sup>6</sup> EPA Award, *supra* note 1.

compilation.”<sup>7</sup> Definers describes the war room as a tool allowing the firm “to identify and react immediately to opportunities arising out of the news cycle and to flag potential challenges and crises before they take on a life of their own.”<sup>8</sup>

This vague description becomes particularly concerning given the other services offered by Definers. The firm offers lobbying services, including “recruiting and mobilizing constituents, local authorities, like minded organizations, and non-traditional allies.” Clearly, these are services which would constitute a violation of the antilobbying prohibitions if included in the EPA contract. Other services offered include working “to validate your [the client’s] narrative through the press and social media platforms” and “interface[ing] directly with reporters and editors both on and off the record, protecting our clients’ identity when desired.” These services, if included in the scope of the contract, would violate the prohibition on covert propaganda by federal agencies.

Especially concerning, Definers offers clients “dossiers on opponents, competitors and agitators ... packaged in easily digestible, media friendly formats.” We are also deeply troubled that individuals on Definers staff have been involved in a “witch hunt against E.P.A. employees” that may have publicly or privately expressed concerns about the Agency or its leadership. According to a December 17, 2017 article in *The New York Times*,<sup>9</sup> a Senior Vice President of Definers made several Freedom of Information Act (FOIA) requests targeting individual EPA employees who may have either expressed concerns about the direction of the Agency to meet its statutory missions of protecting human health or the environment. *The New York Times* reports that the targeted actions may have included private conversations at an off-site luncheon, a letter to Administrator Pruitt, or attendance at a rally protesting budgetary cuts to the agency.<sup>10</sup>

We have become increasingly concerned about the secrecy and lack of transparency from your administration, and this latest report is an alarming new development. Hiring a firm that offers services attacking the press and surveilling your employees threatens the functioning of your agency and potentially the freedom of the press guaranteed by our Constitution.

We request that you respond to the following by January 19, 2018:

1. What was your role in selecting Definers for this award? In addition to yourself, which EPA political appointees were involved in selecting Definers? Please provide all communications between yourself and all other EPA political appointees and any Definers representative between February 17, 2017 and December 7, 2017.

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<sup>7</sup> Devin Henry, *supra* note 5.

<sup>8</sup> Definers Public Affairs, “What We Do” (<https://www.definersdc.com/services>).

<sup>9</sup> Eric Lipton and Lisa Friedman, *E.P.A. Employees Spoke Out. Then Came Scrutiny of Their Email*, *The New York Times*, (Dec. 17, 2017).

<sup>10</sup> *See id.*

2. Were you or other EPA political appointees aware of the FOIA requests filed by Definers employees against individual agency employees before the contract was awarded? Were those FOIA requests considered in the identification of Definers as a potential candidate for the Contract, or a factor in ultimately awarding the Contract?
3. Was Definers, America Rising, or any of their agents involved in creating or funding the website ConfirmPruitt.com?
4. Were you, any of your agents, or any current EPA employees involved in generating or reviewing the content of the website ConfirmPruitt.com, or providing or raising funds for the site? Did any representative of Definers, America Rising, or America Rising Squared generate or review content for the website?
5. What work did Definers perform for EPA pursuant to the contract? Please provide a list of all services performed by Definers for EPA during the duration of the contract, including the date, the service provided, time required, the itemized cost, and the name of the Definers employee who performed the work. What was the total amount of taxpayer funds EPA paid Definers during the duration of the contract? Please provide copies of all communications between EPA and any representative of Definers, America Rising, America Rising Squared, and the Need to Know Network during calendar year 2017.
6. On December 10, *The New York Times* published an article identifying an alarming decrease in enforcement actions brought by the EPA during your administration.<sup>11</sup> EPA issued an unusual press release in response, which has since been removed from the Agency website but continues to be cited by conservative media sources. What role did Definers play in the agency's response to the December 10<sup>th</sup> article? Provide any correspondence between EPA and any representative of Definers, America Rising, America Rising Squared, and the Need to Know Network regarding the December 10<sup>th</sup> article.
7. What firewalls were in place in the contract with Definers Corp to ensure that Definers firewalled the media monitoring services provided under the Contract from its services that would violate the Publicity or Propaganda Prohibition and Anti-Lobbying provisions?
8. Please provide a copy of the contract between EPA and Definers Corp. including any statement of work.

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<sup>11</sup> Eric Lipton and Danielle Ivory, *Under Trump, EPA has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers*, New York Times, (Dec. 10, 2017).

Thank you for your prompt attention to this matter. If you have any questions, please contact Jacqueline Cohen from the Committee on Energy and Commerce Democratic Staff at (202) 225-3641.

Sincerely,



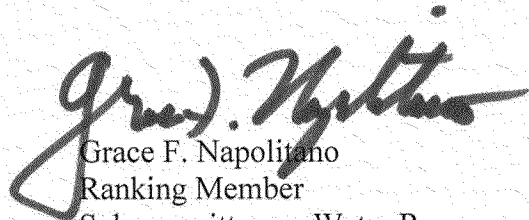
Franks Pallone, Jr.  
Ranking Member  
Committee on Energy and Commerce



Peter DeFazio  
Ranking Member  
Committee on Transportation  
and Infrastructure



Paul D. Tonko  
Ranking Member  
Subcommittee on Environment  
Committee on Energy and Commerce



Grace F. Napolitano  
Ranking Member  
Subcommittee on Water Resources  
and Environment  
Committee on Transportation  
and Infrastructure



Betty McCollum  
Ranking Member  
Subcommittee on Interior,  
Environment and Related Agencies  
Committee on Appropriations

# United States Senate

WASHINGTON, DC 20510

December 19, 2017

The Honorable Scott Pruitt  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, D.C. 20460

Dear Administrator Pruitt:

We are writing you to express our concerns about the decision by the Environmental Protection Agency (EPA) to award a \$120,000 no-bid contract for “news analysis” to Definers Public Affairs, as reported this week by *Mother Jones*<sup>1</sup> and the *New York Times*.<sup>2</sup> EPA’s contract with Definers risks further politicizing the agency and is another instance of EPA under your tenure becoming captured by the industry it regulates.<sup>3</sup> At a minimum, it presents an appearance of impropriety to which you as Administrator should never be a party. For the reasons that follow, you should terminate this contract immediately.

Definers shares an address and staff with America Rising, a political action committee (PAC) that has been described as the “unofficial research arm of the Republican party.”<sup>4</sup> America Rising has branded itself as an organization on the right founded “for the sole purpose of exposing the truth about Democrats through video tracking, research, and communications.”<sup>5</sup> The group spends its time attacking Democrats, progressives, and environmentalists and lists Definers as one of its largest vendors.<sup>6</sup> America Rising also operates the 501(c)(4) organization America Rising Squared, a dark money organization whose contributors are anonymous. The leadership teams of America Rising and Definers share numerous individuals. For example, Definers’ founder, Matt Rhoades, also founded America Rising.<sup>7</sup> Definers’ president, Joe Pounder, is also the president of America Rising.<sup>8</sup> Definers’ Senior Vice President, Brian Rogers, is also the executive director of America Rising Squared.<sup>9</sup> These organizations may

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None of this can come as a surprise to you. In 2015, America Rising paid to attend the Republican Attorneys General Association (RAGA) annual summit at which you spoke.<sup>18</sup> You led RAGA for two years, where you worked through RAGA to attack EPA during the Obama administration.

Your representatives have claimed that EPA's contract with Definers is for "media monitoring/newsclip compilation"<sup>19</sup> and that it was retained "at a rate that is \$87,000 cheaper than our previous vendor and they are providing no other services."<sup>20</sup> All of the above information about Definers, its activities, clients, and role within a much larger ecosystem of partisan, industry-funded operations research and electioneering groups casts significant doubt on these statements.

In light of the above and in order to shed light on EPA's decision to award this contract, we are asking that you provide the following documents and responses by Thursday, December 21.

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3. Provide copies of all communications between EPA and Definers, America Rising, America Rising Squared, NTK, and any employees and representatives of these entities since February 17, 2017.
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7. Provide all communications between EPA and the Definers – America Rising network as to and regulated entities that are also clients of or donors to Definers – America Rising. Describe and provide all communications related to EPA’s due diligence efforts to determine if any conflicts of interest existed between the agency and regulated entities that are clients of or donors to Definers – America Rising. Provide all communications to or from EPA related to Broomfield, CO, ballot initiative Question 301 this year.<sup>22</sup>
8. Provide documentation or, if not available, a narrative description of the processes and procedures in place to ensure no client or funder of Definers-America Rising or any related entity can exert improper influence over EPA enforcement proceedings or litigation.
9. Provide all communications between EPA and the Definers – America Rising – NTK network of affiliated groups relating to EPA employee communications that were requested under FOIA by anyone from the Definers – America Rising – NTK network of affiliated groups. These employees include but are not limited to Natasha Greaves,

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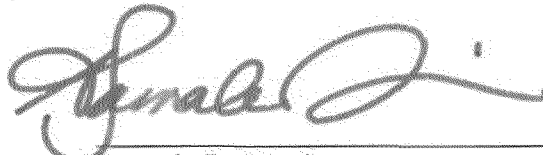
10. Explain how the facts described above – America Rising’s active financial support of your confirmation as well as your earlier political career, NTK’s favorable press coverage of your tenure at EPA, Definer’s working on behalf of regulated entities, regulated entities funding America Rising’s work – do not constitute a series of conflicts of interest. We would be particularly interested to learn why you believe that scientists who are awarded EPA grant money are conflicted while the Definers – America Rising – NTK network is not.

Should you have any questions regarding any of the information we are requesting in this letter, please do not hesitate to contact our staffers, Dan Dudis at [dan\\_dudis@whitehouse.senate.gov](mailto:dan_dudis@whitehouse.senate.gov) and Monica Pham at [monica\\_pham@harris.senate.gov](mailto:monica_pham@harris.senate.gov). We look forward to your response.

Sincerely,



Sheldon Whitehouse  
United States Senator



Kamala D. Harris  
United States Senator

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<sup>22</sup> “FRACTURED: Undermining Broomfield,” *The Colorado Independent*, <http://www.coloradoindependent.com/167431/fractured-undermining-broomfield>

Michael Mikulka, Lucretia Meyers, Thelma Estrada, Gary Morton, Anthony Tseng, Christopher Grundler, Mike Shapiro, John Reeder, Enesta Jones, Christie St. Clair, Deborah Szaro, Michael Cox, Elizabeth Southerland, and Priscilla Oliver. In an interview with the New York Times, Allan Blutstein, a senior vice president at Definers explained that he sought this information to take aim at “resistance” figures in the federal government and to see if they had done anything useful for Republicans.<sup>23</sup> If any of these individuals have faced adverse personnel actions since February 17, 2017, please explain the nature of the action, the circumstances surrounding the action, and provide any correspondence concerning those individuals between EPA and any person affiliated with the Definers – America Rising – NTK network of affiliated groups.

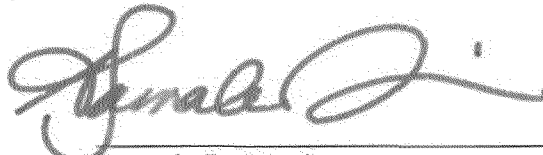
10. Explain how the facts described above – America Rising’s active financial support of your confirmation as well as your earlier political career, NTK’s favorable press coverage of your tenure at EPA, Definer’s working on behalf of regulated entities, regulated entities funding America Rising’s work – do not constitute a series of conflicts of interest. We would be particularly interested to learn why you believe that scientists who are awarded EPA grant money are conflicted while the Definers – America Rising – NTK network is not.

Should you have any questions regarding any of the information we are requesting in this letter, please do not hesitate to contact our staffers, Dan Dudis at [dan\\_dudis@whitehouse.senate.gov](mailto:dan_dudis@whitehouse.senate.gov) and Monica Pham at [monica\\_pham@harris.senate.gov](mailto:monica_pham@harris.senate.gov). We look forward to your response.

Sincerely,



Sheldon Whitehouse  
United States Senator



Kamala D. Harris  
United States Senator

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<sup>23</sup> “E.P.A. Contractor Has Spent Past Year Scouring the Agency for Anti-Trump Officials,” *The New York Times*, <https://www.nytimes.com/2017/12/15/us/politics/epa-scott-pruitt-foia.html>

**Cc:** Grantham, Nancy[Grantham.Nancy@epa.gov]  
**To:** Showman, John[Showman.John@epa.gov]; Stewart, Keith[Stewart.Keith@epa.gov]; Patrick, Kimberly[Patrick.Kimberly@epa.gov]  
**From:** Grantham, Nancy  
**Sent:** Mon 12/18/2017 6:33:30 PM  
**Subject:** Need to connect today

On the definers contract issue Keith relayed to me on Friday

Thx ng

Sent from my iPhone

**To:** Hull, George[Hull.George@epa.gov]  
**Cc:** Farren, Victor[Farren.Victor@epa.gov]; Newton, Jonathan[Newton.Jonathan@epa.gov]  
**From:** Wachter, Eric  
**Sent:** Tue 12/13/2016 9:54:31 PM  
**Subject:** Cause of Action FOIA request  
[EPA-HQ-2014-002346 - responsive documents.pdf](#)  
[EPA-HQ-2014-002346 Final Response.docx](#)

Hi, George,  
Here is another moldy FOIA request that we'll send out tomorrow.  
Thanks,  
Eric

**To:** Bowman, Liz[Bowman.Liz@epa.gov]  
**From:** Hull, George  
**Sent:** Mon 8/14/2017 10:39:20 PM  
**Subject:** RE: Follow-Up

Great. See you at 11:30. - George

---

**From:** Bowman, Liz  
**Sent:** Monday, August 14, 2017 6:28 PM  
**To:** Hull, George <Hull.George@epa.gov>  
**Subject:** Re: Follow-Up

No don't change it! 11:30?

Sent from my iPhone

On Aug 14, 2017, at 6:04 PM, Hull, George <[Hull.George@epa.gov](mailto:Hull.George@epa.gov)> wrote:

Liz,  
I've got a phone call scheduled with Definers for 10:30 tomorrow. Let me see if I can change it in the morning. -  
George

---

**From:** Bowman, Liz  
**Sent:** Monday, August 14, 2017 5:21 PM  
**To:** Hull, George <[Hull.George@epa.gov](mailto:Hull.George@epa.gov)>  
**Subject:** Follow-Up

Let's talk about your items on personnel issues, etc. tomorrow – does 10:30 a.m. work for you?

Thanks,

Liz Bowman  
U.S. Environmental Protection Agency (EPA)  
Office: 202-564-3293

# United States Senate

WASHINGTON, DC 20510

June 19, 2018

Administrator Scott Pruitt  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Washington, DC 20460

Dear Administrator Pruitt:

We again write to you regarding the Environmental Protection Agency's decision to award a no-bid contract to Definers, a consulting firm that shares leadership staff, and office space with America Rising, a political action committee (PAC) which was active in supporting your confirmation as Environmental Protection Agency (EPA) Administrator. This contract is deeply concerning because it suggests a quid pro quo and would seem to violate the law, as outlined below.

On December 19, 2017, we first wrote to you inquiring about this contract with Definers for media clipping services. On April 27, 2018, EPA responded and your response included documents related to the now-cancelled Definers no-bid contract. On May 11, 2018, EPA staff attempted to answer questions from our staff in a phone call regarding the documents provided in EPA's April 27 response. Despite these disclosures and discussions, key facts about this how this contract was awarded remain unknown.

## **I. How was Definers identified as the contractor of choice?**

EPA provided one email chain related to the Definers contract; the first of these emails is dated November 2, 2017. While parts of these emails have been redacted, the first email in this chain mentions a "JOFOC" or Justification for Other than Full and Open Competition, indicating that EPA had already chosen a contractor. A November 13, 2017 email in the chain identifies Definers as the contractor.

Government contracts are not awarded without prior discussion and thorough deliberation, so we find it hard to believe that the first email mention of Definers at EPA occurred after Definers had already been chosen. "Definers" is a rarely used word, so it should be straightforward for your staff to obtain all emails in which Definers the company is mentioned.

During our May 11, 2018 phone call with EPA career staff, we were told that EPA's contract with Bulletin Intelligence was cancelled in early 2017 at the direction of President Trump's EPA beachhead team because it "wasn't meeting their needs." EPA career staff further advised us that your public affairs team first "made [them] aware" of Definers and its media clipping services. Career staff stated they were be unable to recall who on your team told them about Definers and what specific instructions they were given.

Documents provided (and not provided) by EPA and statements by career staff seem to indicate that the decision to hire Definers was driven by political appointees. Given the fact that Definers shares executives and leadership with America Rising, which bankrolled a campaign supporting your confirmation as EPA Administrator, a decision to steer a contract outside the typical contracting

process to Definers would seem to violate Subpart 3.101-1 of the Federal Acquisition Regulation (“The general rule is to avoid strictly any conflict of interest or even the appearance of a conflict of interest in Government-contractor relationships”) and Title 5 of the Code of Federal Regulations Section 2635.101(b)(8) (“Employees shall act impartially and not give preferential treatment to any private organization or individual”).

## **II. Does Definers offer unique services that would justify EPA’s decision to forego competitive bidding for this contract?**

In our December 19 letter, we asked you to explain what “provision of the Federal Acquisition Regulation (FAR) authorized a no-bid contract for the type of services EPA procured from Definers.” In EPA’s April 27 response, Liz Bowman, your former Associate Administrator for the Office of Public Affairs, attempted to justify the no-bid nature of the Definers contract by writing that “Definers offers unique services” and “[EPA] was not aware of any other company that provided or had available this feature of real-time coverage for specific events.”

Among the documents provided with EPA’s April 27 response is a JOFOC dated November 29, 2017 (Attachment II). In this document, EPA lists the following “unique qualifications” that “require” the use of the only one responsible source exception to competitive bidding practices:

- Proprietary advanced search functions
- Standalone media clip database including perpetual retention so that information is always available regardless of email retention policies or other limitations of email platforms
- Ability to pre-load a customized Console with the issues, public figures, and news data relevant to customers, populated in real time
- Specially trained and experienced researchers to provide relevant and actionable analysis
- Digital and human analytics coverage throughout the day
- Media tags that are tailored to the customer’s areas of interests, which allow for quick sorting and tracking of customized data streams
- Delivered through a proprietary web interface, which allows for email distribution as well.

Additionally, the JOFOC states that “[l]eading providers Cision [...], Bulletin Intelligence [...], and Critical Mention [...] do not provide the combined services sought by EPA’s Office of Public Affairs.” During the May 11 call between our staffs, EPA career staff indicated they conducted a search to see if other companies offered media clipping services similar to Definers’ services, particularly its claimed ability to provide clips in “near live-time,” but determined they did not.

Our staff subsequently spoke with a representative from Cision, who explained that Cision gives clients the option of receiving email alerts every hour containing the latest stories of interest. Cision’s clients may also log into their “my coverage” portal at any time to see the latest stories of interest; the portal is updated in close to real time. Cision’s representative confirmed that it offers all of the functionalities listed in the JOFOC as “unique” to Definers.

Another company allegedly researched by EPA staff, Bulletin Intelligence, also appears to offer “near live-time” capabilities. According to its website, its dashboard provides links to “24/7

breaking news” of interest to its clients.<sup>1</sup> Bulletin Intelligence’s description of its services also seems to match most of the functionalities listed in the JOFOC as “unique” to Definers.

A third company allegedly researched by EPA staff, Critical Mention, claims that its clients can see coverage “one minute after it appears – more than 8 times faster than the industry standard” on an “all-in-one platform” that offers “real-time media monitoring.”<sup>2</sup> Its description of its services also seems to match most of the functionalities listed in the JOFOC as “unique” to Definers.

Moreover, a simple internet search identified several other similar companies that offer the services that the JOFOC claimed to be “unique” to Definers. These companies include Metro Monitor (“[r]eceive reports of your media coverage as it happens”<sup>3</sup>) and Universal Information Services (“[r]eceive scheduled or near real-time e-mail notifications when your stories air”<sup>4</sup>).

The JOFOC and the email chain suggest that EPA staff did little independent vetting of this contract, and instead relied upon Definers’ own representations about its services. The JOFOC description of Definer’s “unique qualifications” appears to have been copied almost verbatim from Definers’ promotional materials. It is replete with words such as “proprietary” and “customers” that one would not expect to see in a description written by EPA staff. Under the section of the JOFOC titled “[o]ther facts supporting the use of other than full and open competition,” EPA staff wrote:

“Definers Corp. states that no other service gives their clients the high level and comprehensive search functions that it offers through its customized Console. Clients have the ability to tailor their tags and tailor who from their teams sees those tags. The storage and search functions of the Console are something no other clip service provides because they do not have the Definers proprietary Console.”

EPA staff also relied on Definers’ representations with respect to the reasonableness of the services’ cost. The JOFOC states that “the C[ontracting] O[fficer] has determined the cost to be fair and reasonable *based on information received from the contractor*” (emphasis added). An email dated November 13, 2017 further states that staff are “still waiting for a bit of information *from Definers* to complete the JOFOC” (emphasis added).

The availability of similar services from multiple companies and the acceptance at face value by EPA contracting staff of representations made by Definers in order to complete the JOFOC lead us to believe that EPA’s proffered reasons for the no-bid contract with Definers were pretextual.

As such, we renew our request for answers to questions 1, 3, 4, 7, 9, and 10 from our December 19, 2017 letter as they have yet to be fully answered. While we appreciate EPA’s willingness to have staff speak directly, we respectfully request that all EPA staff with full knowledge of the genesis of the Definers contract be made available to speak with our offices. We also renew our various requests for responsive documents. If there are no additional documents responsive to our original

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letter, we request that the appropriate official at EPA confirm that to us in writing and describe what search parameters have been used to make that determination.

Based upon the documents already provided and our May 11, 2018 discussion with career staff, we also request responses to the following additional questions:

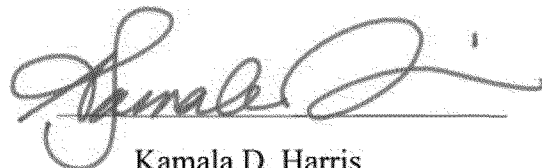
1. Who on your team made career staff "aware" of Definers?
2. What was said to career staff in relation to Definers? Were they directed to hire Definers? If so, by whom?
3. Who made the decision to hire Definers under a no-bid contract? Please provide copies of any and all intra-agency communications relating to the decision not to use competitive bidding procedures for this contract.
4. Please explain how it is possible that the only emails we have been provided were written after Definers had already been chosen for the contract. Do no other emails mentioning Definers exist? If so, why were initial intra-agency discussions of this contract not memorialized in writing? Did anyone instruct career staff not to email about Definers? If other emails do exist, why have we not been provided them?
5. If it is your position that no one on your team instructed career staff to hire Definers, then what explains how the justification they provided for avoiding competitive bidding procedures does not appear to have any foundation in fact?

You recently gave an interview in which you stated that you "care so much about taxpayer money."<sup>5</sup> EPA's decision to award a no-bid contract to a politically connected firm suggests precisely the opposite, and your slow and incomplete response to our inquiries in this matter further suggests that you continue to waste taxpayer money and are not being ethically compliant based on your numerous questionable agency expenditures. So that we may get to the bottom of this matter, we request that you respond by June 29, 2018 to our renewed questions on this matter. Should you have any questions, please do not hesitate to contact our staff, Dan Dudis at [Dan\\_Dudis@whitehouse.senate.gov](mailto:Dan_Dudis@whitehouse.senate.gov) and Monica Pham at [Monica\\_Pham@harris.senate.gov](mailto:Monica_Pham@harris.senate.gov).

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United States Senator



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<sup>5</sup> Kevin Bogardus, "Pruitt: 'I care so much about taxpayer money,'" E&E News (May 31, 2018), [https://www.eenews.net/greenwire/stories/1060083117/most\\_read](https://www.eenews.net/greenwire/stories/1060083117/most_read)

# United States Senate

WASHINGTON, DC 20510

June 19, 2018

Administrator Scott Pruitt  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Washington, DC 20460

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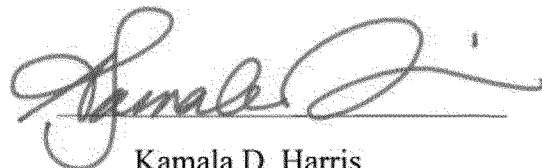
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Sincerely,



Sheldon Whitehouse  
United States Senator



Kamala D. Harris  
United States Senator

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**From:** Konkus, John  
**Location:** DCRoomARN3428/OCIR or call-in  
**Importance:** Normal  
**Subject:** Tentative: Definers Public Affairs Follow-Up Letter  
**Start Time:** Tue 6/26/2018 6:00:00 PM  
**End Time:** Tue 6/26/2018 6:30:00 PM  
**Required Attendees:** Aarons, Kyle

**To:** Jones, Enesta[Jones.Enesta@epa.gov]  
**Cc:** AO OPA Media Relations[AO\_OPA\_Media\_Relations@epa.gov]  
**From:** Grantham, Nancy  
**Sent:** Mon 12/18/2017 6:28:51 PM  
**Subject:** Re: NANCY: Press clippings

Meeting with them on weds

Sent from my iPhone

> On Dec 18, 2017, at 1:28 PM, Jones, Enesta <Jones.Enesta@epa.gov> wrote:  
>  
> When do Definers' services start — and OMR's services end? Thanks!

**To:** Lynn, Tricia[lynn.tricia@epa.gov]  
**From:** Quarles, Michael  
**Sent:** Thur 11/2/2017 4:29:30 PM  
**Subject:** FW: IGCE

Are you in today?

Have a great day,

Michael G. Quarles  
Acquisitions and Assistance Manager  
Office of Administrative and Executive Services  
US Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Washington, DC 20460  
Mail Code 6202A  
(202) 343-9970

---

**From:** Dews, Donna  
**Sent:** Thursday, November 02, 2017 10:01 AM  
**To:** Lynn, Tricia <lynn.tricia@epa.gov>  
**Cc:** Quarles, Michael <Quarles.Michael@epa.gov>  
**Subject:** IGCE

Hi Tricia/Michael

I forgot to mention Quote from Vendor (Definers) and preparation of IGCE. I am sure you and Michal will come together on that as well. Thank you.

Donna Dews  
Contract Specialist  
US Environmental Protection Agency  
Office of Acquisition Management  
HPOD/Program Contract Service Center  
Washington, DC 20460  
202-564-6752 (DIRECT)  
[Dews.donna@epa.gov](mailto:Dews.donna@epa.gov)

**Statement of Work**  
**Media Support Contract**  
**U.S. Environmental Protection Agency**

**Background and Purpose:**

EPA's Office of Public Affairs (OPA) is responsible for working with media to provide the public with timely, coherent information on environmental issues, and EPA actions and policies. Whether providing the media with press announcements; responding to media inquiries; or reacting to published stories, OPA works to achieve articles that accurately represent EPA's perspective. In order to accomplish this goal, OPA must constantly monitor media coverage and respond to inaccurate or incomplete stories. OPA may choose a number of methods to address these stories, including contacting reporters and editors to request corrections. OPA's ability to successfully address inaccurate or incomplete stories before the stories influence other reporters or are widely read is largely dependent on its ability to identify those stories shortly after publication, and OPA requires contractor support in order to do so.

**Scope of Work**

EPA requires four basic services:

- delivery, via email and in near-real-time, of media stories involving relevant events, announcements and issues, with trend analysis included;
- delivery, via email, of a once-daily (Monday through Friday) compendium of news coverage of EPA and environmental issues, including a trend analysis;
- delivery, via email and in near-real-time, of media stories on high-priority issues and/or media outlets as determined through ongoing discussions between OPA and the vendor
- delivery, via searchable database, of all past media stories gathered under the other assigned tasks

The selected vendor shall be responsible for obtaining the necessary licenses (via Factiva, Lexis Nexis or similar service) to provide this service to OPA.

Accompanying these deliverables, selected vendor shall provide exceptional customer service, including 24/7 access by EPA to contractor's account managers, analysts, and senior managers, to permit last-minute changes to topics, deadlines, and specific guidance from OPA to the contractor regarding stories to be included and the extent of coverage desired.

Deliverables shall:

- include articles and broadcasts from major U.S. newspapers, national television and cable news, news weeklies, relevant magazines and journals, blogs, specialty press, etc.;

- reflect understanding of EPA's mission and interests;
- characterize, when requested, the coverage such that EPA officials can quickly get a sense of how widely various story elements were run and what the general tone is; and
- provide links within the coverage to the original full-text versions and to streaming video of important television as originally broadcast.

All content is to be provided as described within the task descriptions, with the exception of the observed legal holidays below:

- New Year's Day
- Martin Luther King's Birthday Presidents' Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veteran's Day
- Thanksgiving Day (two days: Thanksgiving Day and the day after Thanksgiving)
- Christmas day (two days: These days will vary based on which day of the week Christmas falls and will be worked out between EPA and the contractor.)
- Inauguration Day (when applicable)

At a minimum, the following outlets shall be included in the contractor's search for media clips:

AP	Independent Journal Review
Agri-Pulse	LA Times
Argus Media	Morning Consult
Axios	NPR
Bloomberg	NTK Network
Bloomberg BNA	NY Times
Boston Globe	The Oklahoman
Breitbart	PJ Media
Business Insider	Politico
CNN	Reuters
Chicago Tribune	Scientific American
Christian Science Monitor	Tulsa World
The Daily Caller	USA Today
E&E News	Wall Street Journal
Financial Times	Washington Examiner
Forbes	Washington Post
Fox News	Washington Times
The Guardian	Google News Keywords– EPA, Environmental
The Hill	Protection Agency, Scott Pruitt
Hot Air	

## Tasks and Deliverables:

**For Tasks 1 & 2**, the contractor shall seek to provide news stories relevant to EPA's mission, and, at a minimum, shall include the following topic areas:

- a. Administrator
- b. Air
- c. Brownfields/Superfund/Other cleanups
- d. Budget
- e. Climate Change
- f. Emergency Response
- g. Energy
- h. Enforcement
- i. Environmental Justice
- j. EPA
- k. Grants
- l. Hazardous waste
- m. International environmental agreements and disputes
- n. Pesticides
- o. Research and Development
- p. Rules/Regulations/Policy
- q. Toxics/TSCA
- r. Trash/recycling/composting/solid waste
- s. Tribal environmental issues
- t. Water

EPA may modify this topic area list by contacting the contractor as new or additional areas of focus arise.

### **Task 1 – Deliver, via email, Near Live-Time Coverage of Relevant Individual Media Stories**

#### **Deliverables:**

The contractor shall deliver comprehensive, near live-time media coverage for high-priority events, announcements or issues. Delivery is to be made in individual emails which also include the name of the media outlet, the full text of the story, a link to the original source, and a brief (1-2 sentences) characterization of the tone of the story, all in an easily-readable, Section 508-compliant format. This "war room" type coverage will include rapid delivery of media stories. Delivery will be to a select list of approximately 30 OPA staff, as provided by OPA. Delivery shall be throughout the day as news stories are published and within 30 minutes of the time of publication. This deliverable shall be available seven days per week, from 8 AM to 11 PM Eastern Time, excluding holidays as defined in this statement of work. Note that, while emails shall typically be delivered with one story per email, multiple entries may be combined in a single email at the contractor's discretion. In either case, however, the email shall be sent within 30 minutes of all articles' publication.

Name	Due	Acceptance Criteria
Near Live-Time Coverage of Relevant Individual Media Stories	Due seven days per week, excluding holidays, from 8 AM – 11 PM Eastern Time on a rolling basis, throughout the day as news stories are published. All stories shall be sent to the OPA listserv within 30 minutes of publication.	<ul style="list-style-type: none"> <li>- Individual or combined story entries are delivered to appropriate recipients via email within 30 minutes of article publication.</li> <li>- Selected articles demonstrate an understanding of which issues are important to OPA</li> <li>- Each email includes the name of the media outlet, the full text of the story (when in print), a link to the original source, a brief summary (for tv and radio entries), and a brief indication of the story's tone.</li> <li>- Emails are in an easily-readable, Section 508-compliant format.</li> <li>- Updates to the recipient listserv are made within one (1) business day.</li> </ul>

## **Task 2 – Deliver, via E-Mail, Daily Compiled News Coverage of EPA and Environmental Issues, Including Trend Analysis**

### **Deliverables**

On Monday through Friday, excluding defined holidays, the contractor shall provide an e-mail compendium of news coverage relevant to EPA and environmental issues. These compendia are due twice daily at 8:00 AM and 3:00 PM Eastern Time. These deliveries shall consist of media stories from print, television and radio outlets. For print stories, the contractor shall provide the article title, full story content, and a link to the original full-text versions. Television and radio stories shall include a title, link, and brief summary of the content.

The compendia shall include all Task 1 and Task 3 materials. The contractor will not be required to deliver any e-mails for this task on Saturdays, Sundays or observed holidays as defined in this statement of work. However, the first Monday and/or post-holiday e-mail delivery under this task shall also include content published since the preceding e-mail delivery

on Friday or the day before the holiday, and shall include relevant content from all weekend and/or observed holiday days.

In addition to news clips, the compendia shall also include a trend analysis, to include key metrics such as:

- total volume of media reports;
- average favorability – percent favorable, neutral, and unfavorable;
- leading story focus;
- leading messages;
- leading spokespeople on key messages;
- leading media type on key messages; and
- trends in coverage across different media type.

The above represents OPA's best idea of the trend analysis, but specifics will be worked out with the contractor after contract award.

These compendia, including trend analysis, will go to a listserv, maintained by the contractor, of approximately 600 people. Formatting of the compendia is at the discretion of the contractor, but they must be easy to read with a reasonable type and font size, and must be Section 508 compliant.

Name	Due	Acceptance Criteria
Compiled News Coverage of EPA and Environmental Issues	Due no later than 8:00 AM and again at 3:00 PM Eastern Time, Monday through Friday. Note that Monday 8:00 AM edition and any edition following a holiday will include relevant stories published during the time of the weekend and/or holiday.	<ul style="list-style-type: none"><li>- Compendia arrive on time and to all recipients on vendor-maintained listserv.</li><li>- Compendia use reasonable font and type size, and are Section 508 compliant.</li><li>- Compendia include relevant articles gleaned from the OPA-provided list of key words.</li><li>- Each compendium includes the name of the media outlet, the full text of the story (when in print), a link to the original source, a brief summary (for tv and radio entries), and a brief indication of the story's tone for each story included.</li><li>- Compendia include a trend analysis</li></ul>

		<ul style="list-style-type: none"> <li>- Key word updates are incorporated no later than four (4) business hours from the time vendor is informed by OPA of change.</li> <li>- Updates to listserv are made within one (1) business day of time vendor is informed by OPA of changes.</li> </ul>
--	--	--

### **Task 3 - Deliver, via E-mail, Near Live-Time Coverage of High-Priority News Stories**

#### **Deliverables**

In addition to the daily individual and compiled news coverage in Tasks 1 and 2, the contractor shall provide OPA staff with news stories on breaking news and high priority issues. This content will be limited to high priority issues and/or media outlets as determined on an ongoing basis through discussion between OPA and the contractor. This content is to be delivered on a rolling basis throughout the day as it is published, and within 30 minutes of publication, seven days per week from 8 AM – 11 PM. Emails shall be delivered to an OPA-provided list of approximately 30 individuals, and the list shall be maintained and updated as needed by the contractor.

Emails shall include the name of the media outlet, the full text of the story, a link to the original source, and a brief (1-2 sentences) characterization of the tone of the story, all in an easily-readable, Section 508-compliant format. Note that, while emails shall typically be delivered with one story per email, multiple entries may be combined in a single email at the contractor's discretion. In either case, however, the email must be sent within 30 minutes of all articles' publication.

Name	Due	Acceptance Criteria
Near Live-Time Coverage of High Priority New Stories	Due seven days per week, excluding holidays, from 8 AM – 11 PM Eastern Time on a rolling basis, throughout the day as news stories are published. All stories shall be sent to the OPA listserv within 30 minutes of publication.	<ul style="list-style-type: none"> <li>- Individual or combined story entries are delivered to appropriate recipients via email within 30 minutes of article publication.</li> <li>- Selected articles reflect both an understanding of which issues are of high priority to</li> </ul>

		<p>OPA, and also the topics determined through discussions between OPA and the vendor.</p> <ul style="list-style-type: none"> <li>- Each email includes the name of the media outlet, the full text of the story (when in print), a link to the original source, a brief summary (for tv and radio entries), and a brief indication of the tone of the story in an easily-readable, Section 508-compliant format.</li> <li>- Updates to the list of recipients are made within one (1) business day.</li> </ul>
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#### **Task 4 – Deliver and Maintain Searchable Database of Past Media Stories**

##### **Deliverables**

The contractor shall host and provide access to a Section 508-compliant database of all media content collected in carrying out Tasks 1, 2 and 3 of this statement of work. This database shall be accessible to approximately 30 OPA staff and provide them with the ability to search media content by topic, title, media outlet, and reporter name. Access to the database shall be available 24 hours per day, seven days per week, including holidays, with exceptions for scheduled maintenance. Database shall be available within 24 hours of contract award.

Name	Due (if applicable)	Acceptance Criteria
Searchable Database of Past Media Stories	Database shall be live within 24 hours of contract award and shall be updated continuously. Database shall be made available on a 24/7 basis with the exception of scheduled maintenance.	<ul style="list-style-type: none"> <li>- Database is available within 24 hours of contract award.</li> <li>- Database is available on a 24/7, seven (7) days per week, including holidays, with the exception of scheduled maintenance.</li> <li>- Database includes all content collected in carrying out Tasks 1, 2, &amp; 3 of this statement of</li> </ul>

		<p>work.</p> <ul style="list-style-type: none"> <li>- Database is searchable by topic, title, media outlet, and reporter name.</li> <li>- Database is updated continuously.</li> <li>- Database is Section 508 compliant.</li> </ul>
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### **Supporting Information**

The Period of Performance shall be for one year from date of contract award.

## Instructions to Offeror

Vendors shall submit a firm fixed price quote for the required services with a one (1) year base period. Price and technical quotes must be submitted as two distinct files, with the technical quote being no more than 15 pages, excluding past performance information, résumés, and the requested sample work (see technical approach evaluation factor below). The technical quote must be submitted electronically with standard letter sizing (8½" x 11") and 1 inch margins, and must use a reasonable font and font size, such as Calibri 11.

The price quote must detail pricing for the base period, and must include any necessary licensing fees (Factiva, Lexis Nexis or similar) used to provide the deliverables included in the Statement of Work.

Quotes are due no later than .

Questions regarding this procurement are due no later than. Questions received after that point may not be answered. All questions and offers must be submitted via FedConnect. FedConnect is a web portal that connects agencies and contractors to streamline the process of doing business with the federal government. There is no charge to use FedConnect. Contractors can register with FedConnect at [www.fedconnect.net/FedConnect/](http://www.fedconnect.net/FedConnect/). For assistance in registering, or for other FedConnect technical questions, contractors should call the FedConnect Help Desk at (800) 899-6665 or email at [support@fedconnect.net](mailto:support@fedconnect.net). Contractors not registered in FedConnect will not be able to respond to this posting.

The point of contact for this procurement is.

## Evaluation Factors

The Government will award the Purchase Order based upon "Best Value" methodology using the following evaluation factors. For this requirement, all evaluation factors other than price, when combined, are significantly more important than price. The evaluation criteria, which are in descending order of importance, are as follows:

**Factor 1 – Technical Approach:** Offers will be evaluated on the extent to which they clearly describe an effective technical approach for accomplishing the tasks and requirements of the SOW, ensuring both quality of service and product and cost efficiencies. The offeror shall clearly describe the purpose, scope, and content of the proposed deliverables that will be produced in implementing the SOW. Additionally, offerors shall include a clear plan for the successful management of the contract. Finally, offerors shall include a comprehensive list of the publications that will be utilized in the performance of the work.

As part of the technical quote, OPA requests a sample of Tasks 1 and 2 (also excluded from the technical approach page limit). Task 1 shall be completed on the day before quotes are due. Task 2 shall be completed on the day quotes are due, no later than 8:00 AM. In

addition, OPA requests to see a live sample of the type of database required under Task 4. A link and any necessary login information should be provided with the quote.

**Factor 2 – Past Performance:** Offers will be evaluated on the quality of their past performance of projects of similar scope and size, complexity, and results to the requirements of this SOW. Offerors shall describe three (3) projects performed in the last five (5) years. For each reference, the offeror shall describe the scope and dollar value of the project, the offeror's approach to performing the work, the results of the project, the relevance of the work to the requirements of this RFQ, and the impact of the project on the customer's organization. The description shall include client references and contact information for each experience provided. References may be called to verify information.

**Factor 3 – Staffing Approach:** Offers will be evaluated on the quality, suitability, and probability of success of their proposed staffing plans. Offerors shall describe their staffing approach in the form of a staffing plan. The staffing plan shall include resumes for the personnel proposed for the purchase order. The plan shall describe the role and level of involvement of each proposed team member in implementing the SOW tasks. The plan shall describe the offeror's proposed procedure for replacing personnel when team vacancies occur. If key personnel are proposed, the plan shall identify the actual duration of their proposed assignment(s).

**Factor 4 – Price** - Offerors will be evaluated on the fairness and reasonableness of their proposed price, which will be compared against the proposed technical solution and the Government independent cost estimate.

The technical proposal will be reviewed, evaluated, and rated in accordance with the above 3 technical evaluation factors according to the following:

US Environmental Protection Agency ratings focus on the ability of the offeror to accomplish the goals outlined in the SOW as well as strengths and weaknesses demonstrated in the offeror's technical plan. Ratings will be assigned to each technical quote by the reviewer(s) based on the criteria above. In the case of more than one reviewer, the ratings will be assigned by consensus.

Adjectival Rating	Description
Exceptional	Greatly exceeds all minimum requirements of the criteria; has a high probability of success; contains no weaknesses or deficiencies.

<b>Good</b>	Exceeds all the minimum requirements of the criteria; has an above average probability of success; contains no significant weaknesses and only minor, correctable weaknesses exist.
<b>Acceptable</b>	Meets all the minimum requirements of the criteria; has an average probability of success; no significant weaknesses and any deficiencies can be readily corrected.
<b>Marginal</b>	Fails to meet one or more of the minimum requirements of the criteria; low probability of success; major weaknesses and/or significant number of deficiencies exist.
<b>Unacceptable</b>	Fails to meet any of the minimum requirements of the criteria; proposal needs major revisions; very low probability of success.

Price will not receive an adjectival rating; rather it will be used to determine a successful quote.

### **Independent Government Cost Estimate**

EPA estimates that the cost for this service will be \$10,000 per month for a total of \$120,000 for the one-year life of the contract. Specifically:

\$7,500 per month for database x 12 months = \$90,000 / year

\$2,500 per month for clip service x 12 months = \$30,000 / year

**To:** Grantham, Nancy[Grantham.Nancy@epa.gov]  
**From:** Lynn, Tricia  
**Sent:** Wed 11/1/2017 5:58:19 PM  
**Subject:** Updated SOW and JOFOC  
[JOFOC.TL.11.01.17.docx](#)  
[SOW.TL.11.01.17.docx](#)

Hi Nancy—

Just sending these in case you want to look at them before we meet.

Thanks!

--Tricia

---

Tricia Lynn  
Office of Public Affairs  
U.S. EPA  
Office: 202.564.2615

**To:** Lynn, Tricia[lynn.tricia@epa.gov]  
**From:** DC-WJCN-2512-M@epa.gov  
**Sent:** Wed 11/29/2017 10:16:26 PM  
[image2017-11-29-171626.pdf](#)

**To:** Quarles, Michael[Quarles.Michael@epa.gov]  
**From:** Grantham, Nancy  
**Sent:** Mon 12/11/2017 6:47:47 PM  
**Subject:** Re: Onboarding

I can be poc - will figure out who needs to be there

Sent from my iPhone

On Dec 11, 2017, at 1:42 PM, Quarles, Michael <[Quarles.Michael@epa.gov](mailto:Quarles.Michael@epa.gov)> wrote:

Definers would like to set up an onboarding call with the users of their product. Who would you like to make the POC for that meeting?

Have a great day,

Michael G. Quarles  
Acquisitions and Assistance Manager  
Office of Administrative and Executive Services  
US Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Washington, DC 20460  
Mail Code 6202A  
(202) 343-9970

---

**From:** Quarles, Michael  
**Sent:** Monday, December 11, 2017 12:29 PM  
**To:** 'Julia Cotrone' <[jcotrone@definerscorp.com](mailto:jcotrone@definerscorp.com)>  
**Cc:** William Schenkel <[wschenkel@definerscorp.com](mailto:wschenkel@definerscorp.com)>; Scott Cotter <[scotter@definerscorp.com](mailto:scotter@definerscorp.com)>  
**Subject:** RE: Onboarding

Hi Julia,

Not sure if I can get the team together today. Can I get back to you shortly on a date?

Have a great day,

Michael G. Quarles  
Acquisitions and Assistance Manager  
Office of Administrative and Executive Services  
US Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Washington, DC 20460  
Mail Code 6202A  
(202) 343-9970

**From:** Julia Cotrone [<mailto:jcotrone@definerscorp.com>]  
**Sent:** Monday, December 11, 2017 12:19 PM  
**To:** Quarles, Michael <[Quarles.Michael@epa.gov](mailto:Quarles.Michael@epa.gov)>  
**Cc:** William Schenkel <[wschenkel@definerscorp.com](mailto:wschenkel@definerscorp.com)>; Scott Cotter <[scotter@definerscorp.com](mailto:scotter@definerscorp.com)>  
**Subject:** Onboarding

Hi Michael,

Would your team have time for an onboarding call tomorrow? We can make anytime work. Donna from contracting reached out and said they would like us to amend our cost estimate to start asap but we cant start until we have:

- confirmed tags/keywords
- list of users for Console
- email list for alerts

Thanks!

--

**Julia Cotrone**

O: 571.290.5461 | C: 781.424.3491

**To:** Quarles, Michael[Quarles.Michael@epa.gov]  
**From:** Dews, Donna  
**Sent:** Mon 12/11/2017 12:10:53 PM  
**Subject:** FW: Media Support/News analysis service -68HE0H18B0002 - Sole Source Notice

Hi Michael

Per our conversation. Did you respond via email? See below. Thank you.

Donna Dews  
Contract Specialist  
US Environmental Protection Agency  
Office of Acquisition Management  
HPOD/Program Contract Service Center  
Washington, DC 20460  
202-564-6752 (DIRECT)  
Dews.donna@epa.gov

---

**From:** Ben Kessler [mailto:ben.kessler@meltwater.com]  
**Sent:** Friday, December 08, 2017 12:00 PM  
**To:** Dews, Donna <Dews.Donna@epa.gov>  
**Cc:** Kusal de Silva <kusal.desilva@meltwater.com>  
**Subject:** Re: Media Support/News analysis service -68HE0H18B0002 - Sole Source Notice  
**Importance:** High

Ms. Dews,

Have you received my notes or voicemails?

Ben

**BEN KESSLER**

Head of Government Solutions | Washington, D.C.  
T: +1 202 552 3280 | M: +1 818 510 2412  
[Ben.Kessler@meltwater.com](mailto:Ben.Kessler@meltwater.com) | [www.meltwater.com](http://www.meltwater.com)

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On Dec 4, 2017, at 11:27 AM, Ben Kessler <[ben.kessler@meltwater.com](mailto:ben.kessler@meltwater.com)> wrote:

Ms. Dews,

Good Morning.

I called and left a voicemail on Friday to follow up my below email, and also called OARM and OAM main lines to see if I had the right number.

I have not yet received a response on the below, so wanted to confirm you had seen my note proposing Meltwater as an Alternative Source? Also, can you kindly send over the requested information below?

Thank you so much and please don't hesitate to call me with any questions.

Best,  
Ben

**BEN KESSLER**

Head of Government Solutions | Washington, D.C.

T: +1 202 552 3280 | M: +1 818 510 2412

[Ben.Kessler@meltwater.com](mailto:Ben.Kessler@meltwater.com) | [www.meltwater.com](http://www.meltwater.com)

Meltwater – billions of online conversations, freshly filtered.

<image001.png>

On Nov 30, 2017, at 10:07 AM, Ben Kessler <[ben.kessler@meltwater.com](mailto:ben.kessler@meltwater.com)> wrote:

Ms. Dews,

Hope you are well. My name is Ben Kessler, I'm the Head of Government Solutions at the Media Intelligence firm, Meltwater.

I was notified of the subject-referenced Sole Source Notice to award a contract to Definers Corp and wanted to reach out.

I am trying to find more information on FBO and/or FedConnect related to the requirements and Sole Source Justification but cannot find anything.

Meltwater is a Media Intelligence and News Analysis company, so we believe we may be able to support this requirement as an alternative source and that the Government should therefore compete this requirement.

That said, I do not have enough information from what was made publically available via FBO and/or FedConnect.

Could you kindly send me over the following:

- SOW / PWS that is being supported by this contract
- Sole Source Justification
- Intended Contract Award Amount
- Any other information pertinent towards what you need to see from Meltwater should we choose to prove ourselves as a Potential Source for this requirement

Thanks for your prompt response to this matter, and please do not hesitate to call me with any questions!

Best,  
Ben

**BEN KESSLER**

Head of Government Solutions | Washington, D.C.

T: +1 202 552 3280 | M: +1 818 510 2412

[Ben.Kessler@meltwater.com](mailto:Ben.Kessler@meltwater.com) | [www.meltwater.com](http://www.meltwater.com)

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<image001.png>

The information contained in this email may be confidential. It has been sent for the sole use of the intended recipient(s). If the reader of this email is not an intended recipient, you are hereby notified that any unauthorized review, use, disclosure, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this email in error, please notify the sender immediately and destroy all copies of the message.



*Response to:*

Media Support/News Analysis Service  
U.S. Environmental Protection Agency (EPA)

Response to Sole Source Notification: 68HE0H18B0002

29 November 2017

*Submitted by:*

TechMIS LLC  
12208 Woodlands Circle  
Dade City, FL 33525  
Phone: 813-494-6050  
Fax: 813-793-4885

For info: [steven.mains@techmis.com](mailto:steven.mains@techmis.com) or [burt.squires@techmis.com](mailto:burt.squires@techmis.com) or  
[harvey.glasgow@techmis.com](mailto:harvey.glasgow@techmis.com)

DUNS 135665169 (Service Disabled Veteran Owned Small Business)  
CAGE Code: 3L8X7  
Taxpayer Identification Number (TIN): 59-3671822

Authorized to Negotiate and Sign:

Dr. Steven Mains  
CEO, TechMIS LLC  
[steven.mains@techmis.com](mailto:steven.mains@techmis.com)  
Phone: 757-814-3598

Burt Squires  
Vice President, TechMIS LLC  
[burt.squires@techmis.com](mailto:burt.squires@techmis.com)  
Phone: 717-324-1342

Harvey Glasgow  
Controller, FSO, TechMIS LLC  
[harvey.glasgow@techmis.com](mailto:harvey.glasgow@techmis.com)  
Phone: 813-494-6050

*This response includes data that shall not be disclosed outside the Government and shall not be duplicated, used, or disclosed – in whole or in part – for any purpose other than to evaluate this response. However, if a contract is awarded to this offeror as a result of - or in connection with - the submission of these data, the Government shall have the right to duplicate, use or disclose the data to the extent provided in the resulting contract. The data subject to this restriction are contained in all sheets of the response.*

29 November 2017

Donna Dews  
HPOD/US Environmental Protection Agency  
William Jefferson Clinton Building  
1200 Pennsylvania Avenue, N. W.  
Mail Code: 3803R  
Washington, DC 20460

Dear Ms. Dews,

TechMIS LLC is submitting the following response to solicitation 68HE0H18B0002 posted on the FBO as a Sole Source Notification on 11/29/17. We have the capability to perform all functions described in this solicitation in house.

TechMIS, a Service-Disabled Veteran-Owned Small Business (SDVOSB), is a leader in media monitoring, knowledge management and systems engineering and has successfully provided high-level media monitoring and News Briefing support to the U.S. Department of Housing and Urban Development (HUD), U.S. Department of Labor (DOL), Immigration and Customs Enforcement (ICE), and U.S. General Services Administration (GSA). Our human-prepared News Briefing products directly serve nearly 50,000 government employees daily.

We request that the Government not award this contract without competition. Additionally, the Government can expedite the award to TechMIS via our newly-awarded GSA Schedule Contract (MOBIS Schedule 874-1) or by issuing a sole-source award to TechMIS as a Service Disabled Veteran-Owned Small Business (SDVOSB) under FAR 19.1406.

GSA Contract Number: GS-00F-215GA  
Contract Period: June 9, 2017 to June 8, 2022  
874-1: Integrated Consulting Services

Any and all questions about this response should be addressed to the following: Burt Squires, Vice President of TechMIS LLC at 12208 Woodlands Circle, Dade City, FL 33525. Mr. Squires has both signature and negotiation authority for this response. Mr. Squires can be contacted at 717-324-1342 or via email at [burt.squires@techmis.com](mailto:burt.squires@techmis.com).

Regards,



Steven Mains, PhD  
CEO & Managing Partner



Burton J. Squires  
Vice President & Partner



Harvey Glasgow  
Controller, FSO & Partner

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### **Executive Summary**

TechMIS has extensive in-house capability and significant experience providing News Briefing support to top-tier U.S. Government customers.

TechMIS ([www.techmis.com](http://www.techmis.com)), incorporated in the year 2000, is a Service Disabled Veteran-owned Small Business (verified by the Veteran's Administration) currently operating around the world. TechMIS is a leader in media monitoring, knowledge management and systems engineering and has successfully provided high-level media monitoring and News Briefing support to the U.S. Department of Housing and Urban Development (HUD), U.S. Department of Labor (DOL), Immigration and Customs Enforcement (ICE), and U.S. General Services Administration (GSA). Our human-prepared News Briefing products directly serve nearly 50,000 government employees daily.

### **TechMIS Overview**

<b><u>Company Information:</u></b> Technology - Management & Innovative Solutions, LLC 12208 Woodlands Circle Dade City, FL 33525 <a href="http://www.techmis.com">www.techmis.com</a> Year Incorporated: 2000  CEO & Managing Partner: Steven Mains, PhD (757) 814-3598 Office (813) 793-4885 Fax <a href="mailto:steven.mains@techmis.com">steven.mains@techmis.com</a>	<b><u>Technical Contacts:</u></b> Burt Squires Vice President (717) 324-1342 <a href="mailto:burt.squires@techmis.com">burt.squires@techmis.com</a>  Harvey Glasgow Controller, FSO (813) 494-6050 <a href="mailto:harvey.glasgow@techmis.com">harvey.glasgow@techmis.com</a>
<b><u>Business Size/Status:</u></b> Certified by the Small Business Administration as a Service-Disabled Veteran-Owned Small Business (SDVOSB)  Average Revenues for the past 5 years: \$6M.	<b><u>Identifying Information</u></b> DUNS Number: 135665169 Cage Code: 3L8X7 Tax Id Number: 59-3671822 Company Structure: Corporation Registered in SAM.gov (as a SDVOSB)

Additionally, the Government can expedite the award to TechMIS via our newly-awarded GSA Schedule Contract (MOBIS Schedule 874-1) or by issuing a sole-source award to TechMIS as a Service Disabled Veteran-Owned Small Business (SDVOSB) under FAR 19.1406.

GSA Contract Number: GS-00F-215GA  
Contract Period: June 9, 2017 to June 8, 2022  
874-1: Integrated Consulting Services

<b>NAICS Code</b>	<b>Description</b>
334220	Radio and Television Broadcasting and Wireless
511140	Directory and Mailing List Publishers
517919	All Other Communications
518210	Data Processing, Hosting, and Related Services
519110	News Syndicates
519130	Internet Publishing and Broadcasting and Web Search Portals
519190	All Other Information Services
541330	Engineering Services
541430	Graphic Design Services
541611	Administrative Management and General Management
541614	Process, Physical Distribution, and Logistics Consulting Services
541618	Other Management Consulting Services
541690	Other Scientific and Technical Consulting Services
541712	Research and Development in the Physical, Engineering, and Life Sciences
541820	Public Relations Agencies
541910	All Other Information Services
541990	All Other Professional, Scientific, and Technical Services
561410	Document Preparation Services
611430	Professional and Management Development Training

<b>PSC Code</b>	<b>Description</b>
R499	Support - Professional: Other
R425	Support - Professional: Engineering/Technical
R405	Support - Professional: Operations Research/Quantitative Analysis
7630	Newspapers and Periodicals
R612	Support - Administrative: information Retrieval

### **SAM Registration**

Our annual Representations and Certifications (DUNS: 135665169) are on file with SAM (<https://www.sam.gov/>).

### **TechMIS Reps and Certs & NAICS/PCS codes**

Technology - Management & Innovative Solutions, LLC (TechMIS) has its Reps and Certs, NAICS and PSC codes on file in the System of Award Management (SAM) ([www.sam.gov](http://www.sam.gov)).

### **Copyright Holder Status**

TechMIS, through its relationships with numerous news gathering tools, is a copyright holder of a News Gathering Service. These relationships extend to the TechMIS team and provide the legal authority to collect and aggregate content on behalf of the EPA and its constituents.

### **Technical Capabilities**

TechMIS has extensive expert-level knowledge of the federal government and its missions. We understand that the Environmental Protection Agency (EPA) officials, employees and programs must be fully informed about important breaking and ongoing news and broadcast coverage from local, state and national daily newspapers, newspaper websites, television, radio, cable news, wire services, newsweeklies, relevant magazines and journals, internet sites, specialty trade press, legal journals, and high quality social media outlets (including blogs and Twitter). TechMIS has the capability to scan these sources across local, state, regional, national and international venues.

By virtue of our extensive experience providing news support to U.S. government customers, TechMIS has acquired unique insight and is highly adept in identifying news that Agency officials themselves would have identified as important and relevant to the mission of the Environmental Protection Agency (EPA).

In support of our ICE, HUD, DOL and GSA News Briefing contracts, TechMIS has pioneered formatting and delivery methods which have enabled our Briefing products to be accessed on handheld devices such as iPhone, iPad, Kindle, e-Readers, Android and Blackberry.

- *We have proven experience, a large seasoned editorial staff, and a robust supporting infrastructure to ensure comprehensive and on-time news delivery.*
- *Our prepared news documents are distinctly different from the low quality, off-target, automated clipping services that are prevalent in the industry.*
- *Our highly-refined and thoughtfully constructed products have a logical flow and are formatted for wide distribution. Our reports will make an immediate and positive impact across the EPA and its constituents.*

## **Past Performance**

### **Support to the Department of Immigration and Customs Enforcement (ICE)**

TechMIS currently prepares the morning News Briefing for the Office of Public Affairs for the Department of Homeland Security's Immigration and Customs Enforcement (ICE). Because the ICE mission requires cognizance of Spanish-language news sources, we also provide a bi-lingual report with English translations and links to the native language stories. This News Briefing is delivered directly to and used by the Director of ICE, Mr. Thomas Homan, his senior staff, and their 19,000 employees. This product is also posted on the ICE's intranet and archived in a secure, searchable site. The ICE News Briefing is also delivered each morning by email to approximately 5600 Government-designated recipients. Since the inception of our ICE contract on 4/28/17, TechMIS has maintained our proud record of 100% on-time delivery.

ICE contract details are identified in the table below.

Contract number:	HSCEMS-17-C-00001
Name of the contracting officer:	Betty J. Johnson Contracting Officer 212-402-3240 <a href="mailto:Betty.J.Johnson@ice.dhs.gov">Betty.J.Johnson@ice.dhs.gov</a>
Name of the contracting officer's representative (COR) or commercial point of contact (POC):	Vincent Picard Immigration and Customs Enforcement Deputy Assistant Director, Office of Public Affairs (OPA)
COR or POC's telephone number and e-mail address:	202-732-4252 <a href="mailto:Vincent.M.Picard@ice.dhs.gov">Vincent.M.Picard@ice.dhs.gov</a>
Dollar amount per year as well as the total dollar value of the contract:	\$908,000 for the 5-year contract duration.
Contract tier (i.e. prime or sub):	Prime
Period of performance:	April 2017 to April 2022

ICE Testimonial (6/30/17) from Vincent M. Picard, Office of Public Affairs (OPA):

*"From the beginning of our contract, TechMIS has been forward leaning and flexible, exhibiting excellent customer service.*

*We have made a number of small adjustments to our briefing to improve flow and context, some at our suggestion and some from TechMIS. In each case, requested or discussed changes have been incorporated quickly and correctly.*

*From Day 1, TechMIS has delivered our briefing in a timely manner and with a professional look."*

The above testimonial underscores our excellent customer service, the forward-leaning nature of our products, our willingness to adapt and collaborate, and our ability to deliver a quality product from day 1.

We request that the Government not award this contract without competition. As a Service-Disabled Veteran-Owned Small Business, TechMIS has performed this exact task with distinction.

**Support to the Department of Labor (DOL)**

TechMIS currently prepares the morning News Briefing for the Department of Labor's (DOL) Office of the Assistant Secretary for Administration and Management (OASAM). This News Briefing is delivered directly to Secretary Alexander Acosta and used by him and his senior staff, including the DOL's Office of Public Affairs (OPA). This product is also posted on the DOL's intranet and ultimately serves over 16,000 personnel daily.

Contract number:	DOL-OPS-15-0011
Name of the contracting officer:	Jaye L. Roberson Contracting Officer (202) 693-7195 <a href="mailto:Roberson.Jeanetta@dol.gov">Roberson.Jeanetta@dol.gov</a>
Name of the contracting officer's representative (COR) or commercial point of contact (POC):	Stephen Barr Department of Labor Deputy Assistant Director, Office of Public Affairs (OPA)
COR or POC's telephone number and e-mail address:	202-693-4678 <a href="mailto:barr.g.stephen@dol.gov">barr.g.stephen@dol.gov</a>
Dollar amount per year as well as the total dollar value of the contract:	\$855,000 for the 5-year contract duration.
Contract tier (i.e. prime or sub):	Prime
Period of performance:	March 2015 – January 2020

The DOL News Briefing is delivered, by email, each morning to the DOL's senior staff each business day, Monday through Friday. Since the inception of our DOL contract on 1/15/14, TechMIS has prepared and released over 650 DOL News Briefings to date. We have the proud record of 100% on-time delivery.

- *A recent CPARS report rated our services to the DOL as "Exceptional" in all areas.*
- *From Stephen G. Barr, Senior Managing Director, DOL's Office of Public Affairs (and 29 year veteran of the Washington Post): "My thanks to you and your team for their efforts in producing the daily DOL News Briefing. The quality of the DOL brief is exceptional - you all are doing a great job."*

- *From Julie Day, Technical Monitor, DOL OASAM: "Overall, the contractor is always incredibly responsive to requests, and working with them is an easy process."*

**Support to the Department of Housing and Urban Development (HUD)**

TechMIS also provides both a Senior Executive and an Executive level News Briefing support to the Department of Housing and Urban Development (HUD). These products are delivered, by email, each morning to Secretary Carson and HUD's senior staff.

Contract number:	DU100A-13-C-04
Name of the contracting officer:	Katharina Washington 212-402-3240 <a href="mailto:Katharina.Washington@hud.gov">Katharina.Washington@hud.gov</a>
Name of the contracting officer's representative (COR) or commercial point of contact (POC):	Jereon Brown Housing and Urban Development General Assistant Secretary, Office of Public Affairs (OPA)
COR or POC's telephone number and e-mail address:	(202) 708-0980 x 6628 <a href="mailto:Jereon.M.Brown@hud.gov">Jereon.M.Brown@hud.gov</a>
Dollar amount per year as well as the total dollar value of the contract:	\$1,765K for the 5-year contract duration.
Contract tier (i.e. prime or sub):	Prime
Period of performance:	December 2012 – Sept 2018

TechMIS has provided this support since 12/1/12 and has supported over 1100 HUD news cycles to date. These products are also posted on the HUD's intranet, ultimately serving over 9,000 personnel daily.

From Jerry Brown, Deputy Assistant Secretary, Office of Public Affairs (OPA) on 9/28/17:

- *"Thank you for loading up the top with clips on our new Deputy Secretary. You saved the day for the Office of Public Affairs. Thank you!!!!!!."*

From our most recent CPARS report:

- *"TechMIS provides a high-quality product that goes to the Secretary of HUD every working day. The product is always relevant and easily understandable for Senior Decision-makers."*
- *"TechMIS has reacted rapidly to changes and new requirements. Our interactions are always positive and professional. Their management of this contract has been superb."*
- *"HUD has established a very good relationship with Burt Squires, Vice President, who is the 'hands-on' member of the management."*

**Summary Past Performance References and Contact Information**

**Department of Labor (DOL)**

**Office of Public Affairs (OPA)**

Stephen Barr  
Deputy Assistant Secretary, Office of Public Affairs  
Department of Labor  
[barr.g.stephen@dol.gov](mailto:barr.g.stephen@dol.gov)  
202-693-4678  
Date: March 2015 to Present

**Wage and Hour Division (WHD)**

Leah Blue  
Communications Team  
Department of Labor  
[Blue.Leah@dol.gov](mailto:Blue.Leah@dol.gov)  
202-693-0287

**Housing and Urban Development (HUD)**

Jereon Brown  
General Deputy Assistant Secretary  
Department of Housing and Urban Development  
Office of Communications and Marketing  
[Jereon.M.Brown@hud.gov](mailto:Jereon.M.Brown@hud.gov)  
(202) 708-0980 x 6628  
Date: September 2012 to Present

Katharina Washington  
Department of Housing and Urban Development  
Office of the Chief Procurement Officer  
[Katharina.Washington@hud.gov](mailto:Katharina.Washington@hud.gov)  
202-402-3240  
Date: September 2012 to Present

**Immigration and Customs Enforcement (ICE)**

Vincent Picard  
Deputy Assistant Director, Office of Public Affairs  
Immigration and Customs Enforcement  
[Vincent.M.Picard@ice.dhs.gov](mailto:Vincent.M.Picard@ice.dhs.gov)

202-732-4252

Date: April 2017 to Present

General Services Administration (GSA)

Steven Hoffman

United States General Services Administration

Office of Communications and Marketing

[steven.hoffman@gsa.gov](mailto:steven.hoffman@gsa.gov)

202-219-1805

Date: October 2011 to September 2013

### **Detailed Past Performance Summaries**

#### **Past Performance: Department of Immigration and Customs Enforcement (ICE)**

<b>Name of Contractor:</b> TechMIS LLC	
<b>Customer Name:</b> Department of Immigration and Customs Enforcement	
<b>Customer Address:</b> 801 I Street NW, Suite 900, Washington, DC 20410	
<b>Contract Number or Other Reference:</b> HSCEMS-17-C-00001	
<b>NAICS Code:</b> 519190 - All Other Information Services	
<b>Type of Contract:</b> Firm Fixed Price (FFP)	
<b>Date of Project Award:</b> April 2017	<b>Total Project Price (to include all options):</b> \$908K
<b>Period of Performance (to include all options)</b> April 2017 – April 2022	<b>Clearance Required (If yes, specify level)</b> NO
<b>Number of Service Hours Per Annum:</b> FFP	<b>Quantity of personnel supporting the effort:</b> 4
<b>Technical point of contact:</b> Vincent Picard Immigration and Customs Enforcement Deputy Assistant Director, Office of Public Affairs 202-732-4252 <a href="mailto:Vincent.M.Picard@ice.dhs.gov">Vincent.M.Picard@ice.dhs.gov</a>	<b>Contracting or purchasing point of contact:</b> Betty J. Johnson Contracting Officer's Representative 212-402-3240 <a href="mailto:Betty.J.Johnson@ice.dhs.gov">Betty.J.Johnson@ice.dhs.gov</a>
<b>Geographic Location of work:</b> VA, PA, TN, WA, DC	
<b>Brief Description of Work Performed:</b> <p>TechMIS provides executive-level News Briefing Services for the Immigration and Customs Enforcement. This Brief is delivered, by email, each morning to the ICE department staff (approximately 5600 personnel) and is posted and archived on both the ICEDaily website (which TechMIS administers). Content is also posted to ICE's own Intranet (for direct access by all ICE employees).</p> <p>Services include the following:</p> <ul style="list-style-type: none"> <li>• Brief delivered promptly at 8:00 AM, weekdays.</li> <li>• Maintenance of an archival site for all delivered content.</li> </ul>	
<b>Identification of Team Members/Subcontractors and the role played by each member:</b> <p>Burt Squires supports this effort as Program Manager. Mr. Squires manages the TechMIS's entire Media Monitoring team.</p>	
<b>Recommendation/Reference (completed by customer)</b> <p>At a recent customer meeting, ICE praised our product and indicated that they were "very pleased." TechMIS has achieved the notable record of 100% on-time delivery of all products since the contract's inception. This contract is brand new, but initial comments from the customer indicate that the product is superior to the product previously delivered by Bulletin Intelligence.</p>	

**Past Performance: Department of Labor (DOL)**

<b>Name of Contractor:</b> TechMIS LLC	
<b>Customer Name:</b> Department of Labor	
<b>Customer Address:</b> 200 Constitution Ave., NW	
<b>Contract Number or Other Reference:</b> DOL-OPS-15-0011	
<b>NAICS Code:</b> 519190 - All Other Information Services	
<b>Type of Contract:</b> Firm Fixed Price (FFP)	
<b>Date of Project Award:</b> March 2015	<b>Total Project Price (to include all options):</b> \$855K
<b>Period of Performance (to include all options)</b> March 2015 – January 2020	<b>Clearance Required (If yes, specify level)</b> NO
<b>Number of Service Hours Per Annum:</b> FFP	<b>Quantity of personnel supporting the</b>
<b>Technical point of contact:</b> Stephen Barr Department of Labor Office of the Public Affairs (OPA) U.S. Department of Labor 200 Constitution Ave., NW Washington, DC 20210 202-693-4678 <a href="mailto:barr.g.stephen@dol.gov">barr.g.stephen@dol.gov</a>	<b>Contracting or purchasing point of contact:</b> Jaye L. Roberson Contracting Officer Office of Procurement Services US Department of Labor 200 Constitution Ave. NW Washington, DC 20210-0001 (202) 693-7195 <a href="mailto:Roberson.Jeanetta@dol.gov">Roberson.Jeanetta@dol.gov</a>
<b>Geographic Location of work:</b> VA, PA, TN, WA, DC	
<b>Brief Description of Work Performed:</b> <p>TechMIS provides executive-level News Briefing Services for the Department of Labor. This Brief is delivered, by email, each morning to the DOL's senior staff 6:30 AM EST each business day, Monday through Friday.</p> <p>The Brief we prepare each morning is tailored specifically for the Secretary of Labor, Alex Acosta. Additionally, the Brief supports all Office of Public Affairs offices throughout the Department of Labor.</p>	
<b>Identification of Team Members/Subcontractors and the role played by each member:</b> <p>Burt Squires supports this effort as Program Manager. Mr. Squires manages TechMIS's entire Media Monitoring team.</p>	
<b>Recommendation/Reference (completed by customer):</b> <p>At a recent customer meeting, DOL praised our support, characterizing it as "impressive" and further indicating "we are quite pleased".</p> <p>TechMIS has achieved the notable record of 100% on-time delivery of all products since the contract's inception.</p>	

**Past Performance: Department of Housing and Urban Development (HUD)**

<b>Name of Contractor:</b> TechMIS LLC	
<b>Customer Name:</b> Department of Housing and Urban Development	
<b>Customer Address:</b> 451 7 <sup>th</sup> Street S.W., Washington, DC 20410	
<b>Contract Number or Other Reference:</b> DU100A-13-C-04	
<b>NAICS Code:</b> 519190 - All Other Information Services	
<b>Type of Contract:</b> Firm Fixed Price (FFP)	
<b>Date of Project Award:</b> December 2012	<b>Total Project Price (to include all options):</b> \$1,765K
<b>Period of Performance (to include all options)</b> December 2012 – Sept 2018	<b>Clearance Required (If yes, specify level)</b> NO
<b>Number of Service Hours Per Annum:</b> FFP	<b>Quantity of personnel supporting the effort:</b> 5
<b>Technical point of contact:</b> Jereon Brown General Deputy Assistant Secretary Department of Housing and Urban Development Office of Communications and Marketing <a href="mailto:Jereon.M.Brown@hud.gov">Jereon.M.Brown@hud.gov</a> (202) 708-0980 x 6628	<b>Contracting or purchasing point of contact:</b> Katharina Washington 451 7 <sup>th</sup> Street S.W. Washington, DC 20410 212-402-3240 <a href="mailto:Katharina.Washington@hud.gov">Katharina.Washington@hud.gov</a>
<b>Geographic Location of work:</b> VA, PA, TN, WA, DC	
<p><b>Brief Description of Work Performed:</b></p> <p>TechMIS provides executive-level News Briefing Services for the Department of Housing and Urban Development. This Brief is delivered, by email, each morning to the HUD's senior staff (350 personnel) and is posted and archived on both the HUDDaily website (which TechMIS administers). Content is also posted to HUD's own Intranet (for direct access by HUD's 9,000 employees).</p> <p>Services include the following: Priority Brief delivered promptly at 6:45 AM, weekdays; Full Brief delivered promptly at 7:00 AM, weekdays; Posting of all representative content to HUDDaily website on a daily basis. The Brief we prepare each morning is tailored specifically for the Secretary of Housing and Urban Development, Dr. Ben Carson. Additionally, the Brief supports all Office of Public Affairs offices throughout the Department of Housing and Urban Development.</p>	
<p><b>Identification of Team Members/Subcontractors and the role played by each member:</b></p> <p>Burt Squires supports this effort as Program Manager. Mr. Squires manages the TechMIS's entire Media Monitoring team.</p>	
<p><b>Recommendation/Reference (completed by customer)</b></p> <p>"HUD has established a very good relationship with Burt Squires, Vice President, who is the "hands-on" member of the management." (From recent HUD Performance Appraisal)</p> <p>At a recent customer meeting, HUD praised our continuing support. TechMIS has achieved the notable record of 100% on-time delivery of all products since the contract's inception.</p>	

# METRIC<sup>TM</sup>

## Monitoring • Engagement • Tailored Reporting • Information Collection

TechMIS METRIC<sup>TM</sup> is a news collection and briefing approach that combines today's cutting-edge news collection technology with hands-on human intelligence to create succinct and relevant news products.

Automated news harvesting platforms have flooded the market. While helpful, these platforms deliver a barrage of unfocused, irrelevant news creating proverbial "garbage-in, garbage-out" news products.

TechMIS analysts also utilize these advanced technologies, but consider them just one tool in a toolbox of news monitoring techniques. Our analysts collect relevant news using a layered, multi-faceted collection approach. Techniques include state-of-the-art news harvesting engines, hand checks of critical sources and even hands-on paper copy reviews of select newspapers. This layered "human touch" ensures relevant news is captured in its entirety.

TechMIS has expert-level knowledge of state and federal government offices and their missions and fully understands that officials, employees and programs must start each day fully informed about important breaking and ongoing news and broadcast coverage from major newspapers, newspaper websites, television, radio, cable news, wire services, newsweeklies, relevant magazines and journals, internet sites, specialty trade press, blogs and social media. Our state-of-the-art tools and techniques, combined with hands-on human

*Is your current media monitoring solution leaving you a bit clouded?*



*Is your current news solution giving you a clouded view of the news that is important and most relevant to your organization?*



*Our comprehensive METRIC<sup>TM</sup> solution brings calm and focus to the news that is most important to you.*

## WhyTechMIS?

**For starters, TechMIS products serve over 50,000 U.S. Government personnel daily!**

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### Key Advantages offered by the TechMIS team

The depth and breadth of our news sources ensures complete and real-time capture of relevant and pertinent news.

- Proven track record of supporting high profile customers [Secretary, U.S. Department of Homeland Security; Secretary, U.S. Department of Labor; Secretary, U.S. Department of Housing and Urban Development; Administrator (Secretary-equivalent), U.S. General Services Administration] in highly dynamic news environments.
- Proven news infrastructure in place with established tools and techniques.
- Time-tested, deadline-driven analysts ready and available to support this effort.
- Access to an unparalleled body of news sources. These sources, collectively, represent the capability to capture news on a local, state, regional, national and global scale.
- Excellent, established news harvesting platform with the flexibility to add, remove or modify keywords and adjust search syntax and terminology.
- Access to social media and related content.
- Our distributed products are mobile friendly.
- Exceptional 24/7 customer service. We are flexible and responsive!

### News Sources

The depth and breadth of our news sources ensures complete and real-time capture of relevant and pertinent news. The TechMIS team has access to an unparalleled body of domestic and international news sources numbering in the hundreds of thousands. These sources, collectively, represent news capture on a local, state, regional, national and global scale.

- Government (16,300+) – local and federal government websites (such as the State Department and the White House)
- News (40,000+) – large and small newspapers, trade press, magazines, television and radio, online news sources and wire services
- Broadcast coverage (2000+) local, state, national and international outlets
- Policy (8,500+) – think tanks, advocacy groups, trade associations
- Blogs (400,000+)
- Social Media – Twitter and Facebook

## Accolades

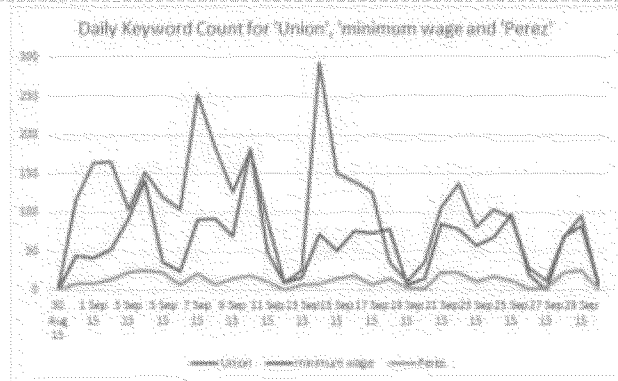
### Don't take it from us – here's what our customers are saying

- *"TechMIS provides a high-quality product that goes to the Secretary of HUD every working day. The product is always relevant and easily understandable for Senior Decision-makers." "TechMIS is responsible for delivering the news clips twice a day in the morning and has never submitted a late deliverable. TechMIS has established a precedence of uncanny punctuality." "The news clips are always formatted and presented in an orderly fashion for easy reading."* - **Housing and Urban Development**
- *"TechMIS is always incredibly responsive to requests, and working with them is an easy process."* - **Department of Labor**
- *"Many recipients of the daily news report summary are very impressed and 'LOVE' the new look of the report digest [in comparison to the previous vendor]. So good job! And keep up the amazing work. It is definitely being recognized! Your efforts, work, and support for our organization are sincerely appreciated." "In the 20+ years that GSA has been contracting for News Briefs, the TechMIS-prepared Brief is the best and most comprehensive ever."* - **General Services Administration**

## Analysis

TechMIS offers a variety of quantitative and qualitative analytical and reporting capabilities.

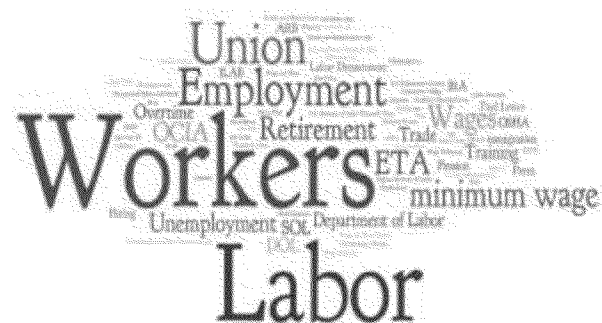
Our analysts can perform and graph sentiment scoring in a variety of insightful ways. These graphs are an extremely helpful tool to help uncover and highlight notable occurrences and trends.



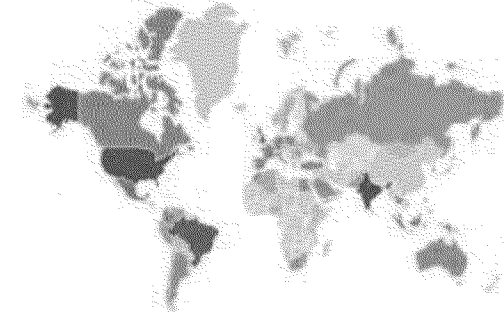
Our news monitoring and harvesting platform provides our analysts the ability to perform trend analysis on topics and keywords.

Our analysts have the ability to analyze the tone/sentiment of a particular topic or storyline and chart how it changes over time. These tonal analyses can include any date range and extend as far back as the contract start date.

METRIC is adept at creating those popular and useful word clouds. Quickly determine which words rise above the fray!



Insight into the content we include is just a click away. Real-time logging keeps track of how many times a particular article was viewed so that content can be tailored to best suit the readership. Real-time metrics such as the geographic distribution of clicks and other intuitive graphs and charts are always ready-at-hand.



**To:** Eng, Connie[Eng.Connie@epa.gov]  
**From:** Quarles, Michael  
**Sent:** Thur 12/7/2017 8:12:42 PM  
**Subject:** Letter Head  
[SSJ Memo 12-7-17.docx](#)

Please check format and print. Thank you.

Have a great day,

Michael G. Quarles  
Acquisitions and Assistance Manager  
Office of Administrative and Executive Services  
US Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Washington, DC 20460  
Mail Code 6202A  
(202) 343-9970



Committee on Transportation and Infrastructure  
U.S. House of Representatives

Bill Shuster  
Chairman

Washington, DC 20515

Peter A. DeFazio  
Ranking Member

January 3, 2018

Mathew M. Sturges, Staff Director

Katherine W. Dedrick, Democratic Staff Director

The Honorable Scott Pruitt  
Administrator  
U.S. Environmental Protection Agency  
Mail Code 1101A  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Pruitt:

I write to request further information on the process for awarding a \$120,000 no-bid contract<sup>1</sup> ("Contract") by the U.S. Environmental Protection Agency (EPA) to Definers Public Affairs ("Definers") to provide "news analysis and brief service focusing on EPA work and other topics of interest to EPA."<sup>2</sup> While I am aware of press reports that EPA and Definers may have agreed to cancel this contract,<sup>3</sup> I request this information for Congressional oversight of the process by which EPA provided notice and solicited offers for this work, and identified and awarded Definers the contract for this work.

According to Federal records, on December 7, 2017, EPA contracted with Definers for a total contract value of \$120,000 in a contract not submitted for full and open competition.<sup>4</sup> According to *The Hill*, EPA planned to utilize the company's "Definers Console" which, according to Definers' marketing materials, is a "war room" for "media monitoring/newsclip compilation".<sup>5</sup>

An online summary of the Contract states that it was not submitted to full and open competition, citing an "ONLY ONE SOURCE - OTHER" exception.<sup>6</sup> However, in a news article,

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<sup>1</sup> EPA Award Number EP18H000025 to Definers Corps. (Dec. 7, 2017), *available at* <https://www.usaspending.gov/Transparency/Pages/TransactionDetails.aspx?RecordID=53D2AF0E-B566-47BB-8EB4-728DAC00CEB7&AwardID=59978626&AwardType=C> [hereinafter "EPA Award"].

<sup>2</sup> *Id.*

<sup>3</sup> Eric Lipton and Lisa Friedman, *Consulting Firm Whose Staff Scoured E.P.A. Employees' Emails Loses Media Contract*, New York Times (Dec. 19, 2017), <https://www.nytimes.com/2017/12/19/climate/epa-definers-public-affairs-contract.html>.

<sup>4</sup> EPA Award, *supra* note 1.

<sup>5</sup> Devin Henry, *EPA inks \$120k contract with Republican opposition research firm*, The Hill (Dec. 15, 2017), <http://thehill.com/policy/energy-environment/365088-epa-inks-120k-contract-with-republican-opposition-research-firm>.

<sup>6</sup> EPA Award, *supra* note 1.

EPA spokesperson, Nancy Grantham, stated, “When the government seeks to sole-source a contract, notice must be placed on *FedConnect* or *FedBizOps* so other vendors have an opportunity to provide documentation of their ability to provide the services outlined in the contract scope of work... In this case, one additional vendor responded with their qualifications and the media/news clips contract was awarded to Definers.”<sup>7</sup> This statement from EPA seems to suggest that Definers was not the only company that responded to EPA’s contract solicitation, and that EPA may have received multiple bids from vendors in response to this solicitation and notice.

In the same story, the EPA spokesperson stated that the Definers Contract was “\$87,000 cheaper than our previous media monitoring vendor,”<sup>8</sup> which, again, suggests that other companies were potentially available to provide similar services.

I also request further information on your personal involvement, or the involvement of the political staff of EPA, in the identification of Definers as a potential candidate for the Contract. I am aware that your Senior Communications Advisor worked with two current Definers staff during the Rubio for President Campaign.<sup>9</sup> I am also well aware that several Definers staff are previous founders, leaders, and employees of the American Rising PAC, a political video tracking firm that targets Democratic candidates for elected office.<sup>10</sup> Similarly, several current Definers staff also hold positions with other political organizations, such as America Rising Squared or Reclaim Connecticut<sup>11</sup>—both organizations that appear to target the “Environmentalism Left... and exposing their extreme rhetoric and agenda.”<sup>12</sup> Yet, while the staff of Definers have a partisan reputation and history of campaign work for Republican causes, I see no evidence that Definers has any prior experience in providing “news analysis and brief service focusing on EPA work and other topics of interest to EPA”, as required by the contract.

The only EPA-related experience I could uncover by Definers staff is the reported “witch hunt against EPA employees” alleged to have expressed concerns about the agency or its leadership. According to *The New York Times*, a Senior Vice President of Definers, Allan Blutstein, has made several Freedom of Information Act (FOIA) requests targeting individual EPA employees who, Mr. Blutstein alleges, have raised concerns about the ability of the agency to meet its statutory missions of protection of human health and the environment. In only a cursory look at *FOIAonline*, in calendar year 2017, Mr. Blutstein made 25 FOIA requests of EPA on behalf of America Rising—20 of which specifically target the individual emails of EPA staff to various news organizations or Congressional offices. While the specific intentions of Mr. Blutstein are not known, the fact that you were willing to hire a company that would personally and publically target your employees for potential harassment portends a type of personnel management taken right out of George Orwell’s *1984*.

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<sup>7</sup> Kevin Bogardus, *Agency signs Republican PR firm to \$120K contract*, Greenwire (Dec. 15, 2017), <https://www.eenews.net/greenwire/2017/12/15/stories/1060069191>.

<sup>8</sup> See *id.*

<sup>9</sup> Cf. <https://www.linkedin.com/in/jahan-wilcox-ab55477/> with <https://www.linkedin.com/in/joe-pounder-5b5b66b/> and <https://www.linkedin.com/in/mike-chenderlin-319a90106/>.

<sup>10</sup> See <https://americarisingpac.org/>

<sup>11</sup> See <https://reclaimct.com/about-us/>

<sup>12</sup> See <http://arsquared.org/energy/>

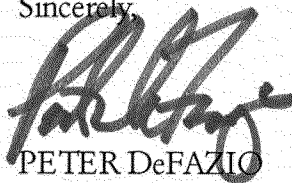
To exercise our Congressional oversight responsibilities, I request additional information related to the awarding of the Contract to Definers. Specifically, I request you provide my office on the Committee on Transportation and Infrastructure with the following information:

1. A copy of the initial public solicitation or notice related to the “news analysis and brief service” work put out for bid, including evidence on the manner in which this solicitation or notice was made publicly available and a timeline on the contract solicitation period;
2. A description of the internal EPA process utilized to publicly notice and solicit offers for this work and to identify and award the contract for this work, including the identity of EPA staff (including political staff) that participated in this process;
3. A copy of all formal contract responses or other indications of interest to this solicitation or notice from prospective companies seeking to bid on this work;
4. A copy of all internal EPA emails, EPA communications, or other deliberative materials related to Definers, current Definers staff, or the Contract;
5. A description of the prior experience of Definers in providing “news analysis and brief service focusing on EPA work and other topics of interest to EPA”, as required by the Contract;
6. A copy of the final Contract with Definers; and
7. A copy of the contract between EPA and any company that provided similar media monitoring services to the agency *immediately prior* to the awarding of the Contract with Definers (press reports indicate that this contract was with a company called Bulletin Intelligence, LLC).

If you have any questions regarding this request, please have your staff contact the Democratic Staff of the Subcommittee on Water Resources and Environment at (202) 225-0060.

Thank you for your prompt attention to this matter.

Sincerely,



PETER DeFAZIO  
Ranking Member

**Congress of the United States**  
**House of Representatives**  
**Washington, D.C. 20515**  
January 5, 2018

The Honorable Scott Pruitt  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Pruitt:

We write to express our serious concerns regarding the awarding of a \$120,000 no-bid contract<sup>1</sup> (“Contract”) by the U.S. Environmental Protection Agency (EPA) to Definers Public Affairs (“Definers”) to provide “news analysis and brief service focusing on EPA work and other topics of interest to EPA.”<sup>2</sup> The awarding of this contract without full and open competition<sup>3</sup> to a company with no apparent experience in providing these services to a Federal agency<sup>4</sup> is concerning enough on its own. However, the political activities and affiliations of Definers make this action more alarming.<sup>5</sup> While Definers recently terminated the contract with EPA, we have outstanding questions regarding EPA’s selection of Definers and whether the Contract was an appropriate use of taxpayer dollars.

Federal records show that on December 7, 2017 EPA contracted with Definers for a total contract value of \$120,000 in a contract not submitted to full and open competition.<sup>6</sup> Additionally, *The Hill* reported that EPA will utilize the company’s “Definers Console” which, according to Definers’ marketing materials, is a “war room” for “media monitoring/newsclip

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<sup>1</sup> EPA Award Number EP18H000025 to Definers Corps. (Dec. 7, 2017) (<https://www.usaspending.gov/Transparency/Pages/TransactionDetails.aspx?RecordID=53D2AF0E-B566-47BB-8EB4-728DAC00CEB7&AwardID=59978626&AwardType=C>) [hereinafter “EPA Award”].

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> Rebecca Leber, Andy Kroll and Russ Choma, *The EPA Hired a Major Republican Opposition Research Firm to Track Press Activity*, Mother Jones (December 15, 2017) (<http://www.motherjones.com/politics/2017/12/the-epa-hired-a-major-republican-opposition-research-firm-to-track-press-activity/>).

<sup>5</sup> Devin Henry, *EPA inks \$120k contract with Republican opposition research firm*, The Hill (Dec. 15, 2017) [hereinafter “Devin Henry”].

<sup>6</sup> EPA Award, *supra* note 1.

compilation.”<sup>7</sup> Definers describes the war room as a tool allowing the firm “to identify and react immediately to opportunities arising out of the news cycle and to flag potential challenges and crises before they take on a life of their own.”<sup>8</sup>

This vague description becomes particularly concerning given the other services offered by Definers. The firm offers lobbying services, including “recruiting and mobilizing constituents, local authorities, like minded organizations, and non-traditional allies.” Clearly, these are services which would constitute a violation of the antilobbying prohibitions if included in the EPA contract. Other services offered include working “to validate your [the client’s] narrative through the press and social media platforms” and “interface[ing] directly with reporters and editors both on and off the record, protecting our clients’ identity when desired.” These services, if included in the scope of the contract, would violate the prohibition on covert propaganda by federal agencies.

Especially concerning, Definers offers clients “dossiers on opponents, competitors and agitators ... packaged in easily digestible, media friendly formats.” We are also deeply troubled that individuals on Definers staff have been involved in a “witch hunt against E.P.A. employees” that may have publicly or privately expressed concerns about the Agency or its leadership. According to a December 17, 2017 article in *The New York Times*,<sup>9</sup> a Senior Vice President of Definers made several Freedom of Information Act (FOIA) requests targeting individual EPA employees who may have either expressed concerns about the direction of the Agency to meet its statutory missions of protecting human health or the environment. *The New York Times* reports that the targeted actions may have included private conversations at an off-site luncheon, a letter to Administrator Pruitt, or attendance at a rally protesting budgetary cuts to the agency.<sup>10</sup>

We have become increasingly concerned about the secrecy and lack of transparency from your administration, and this latest report is an alarming new development. Hiring a firm that offers services attacking the press and surveilling your employees threatens the functioning of your agency and potentially the freedom of the press guaranteed by our Constitution.

We request that you respond to the following by January 19, 2018:

1. What was your role in selecting Definers for this award? In addition to yourself, which EPA political appointees were involved in selecting Definers? Please provide all communications between yourself and all other EPA political appointees and any Definers representative between February 17, 2017 and December 7, 2017.

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<sup>7</sup> Devin Henry, *supra* note 5.

<sup>8</sup> Definers Public Affairs, “What We Do” (<https://www.definersdc.com/services>).

<sup>9</sup> Eric Lipton and Lisa Friedman, *E.P.A. Employees Spoke Out. Then Came Scrutiny of Their Email*, *The New York Times*, (Dec. 17, 2017).

<sup>10</sup> *See id.*

2. Were you or other EPA political appointees aware of the FOIA requests filed by Definers employees against individual agency employees before the contract was awarded? Were those FOIA requests considered in the identification of Definers as a potential candidate for the Contract, or a factor in ultimately awarding the Contract?
3. Was Definers, America Rising, or any of their agents involved in creating or funding the website ConfirmPruitt.com?
4. Were you, any of your agents, or any current EPA employees involved in generating or reviewing the content of the website ConfirmPruitt.com, or providing or raising funds for the site? Did any representative of Definers, America Rising, or America Rising Squared generate or review content for the website?
5. What work did Definers perform for EPA pursuant to the contract? Please provide a list of all services performed by Definers for EPA during the duration of the contract, including the date, the service provided, time required, the itemized cost, and the name of the Definers employee who performed the work. What was the total amount of taxpayer funds EPA paid Definers during the duration of the contract? Please provide copies of all communications between EPA and any representative of Definers, America Rising, America Rising Squared, and the Need to Know Network during calendar year 2017.
6. On December 10, *The New York Times* published an article identifying an alarming decrease in enforcement actions brought by the EPA during your administration.<sup>11</sup> EPA issued an unusual press release in response, which has since been removed from the Agency website but continues to be cited by conservative media sources. What role did Definers play in the agency's response to the December 10<sup>th</sup> article? Provide any correspondence between EPA and any representative of Definers, America Rising, America Rising Squared, and the Need to Know Network regarding the December 10<sup>th</sup> article.
7. What firewalls were in place in the contract with Definers Corp to ensure that Definers firewalled the media monitoring services provided under the Contract from its services that would violate the Publicity or Propaganda Prohibition and Anti-Lobbying provisions?
8. Please provide a copy of the contract between EPA and Definers Corp. including any statement of work.

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<sup>11</sup> Eric Lipton and Danielle Ivory, *Under Trump, EPA has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers*, New York Times, (Dec. 10, 2017).

Thank you for your prompt attention to this matter. If you have any questions, please contact Jacqueline Cohen from the Committee on Energy and Commerce Democratic Staff at (202) 225-3641.

Sincerely,



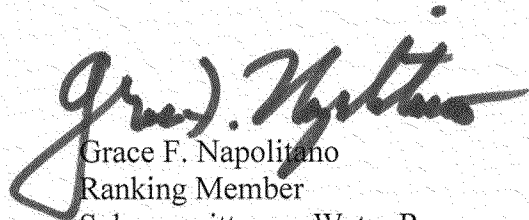
Franks Pallone, Jr.  
Ranking Member  
Committee on Energy and Commerce



Peter DeFazio  
Ranking Member  
Committee on Transportation  
and Infrastructure



Paul D. Tonko  
Ranking Member  
Subcommittee on Environment  
Committee on Energy and Commerce



Grace F. Napolitano  
Ranking Member  
Subcommittee on Water Resources  
and Environment  
Committee on Transportation  
and Infrastructure



Betty McCollum  
Ranking Member  
Subcommittee on Interior,  
Environment and Related Agencies  
Committee on Appropriations

# United States Senate

WASHINGTON, DC 20510

December 19, 2017

The Honorable Scott Pruitt  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, D.C. 20460

Dear Administrator Pruitt:

We are writing you to express our concerns about the decision by the Environmental Protection Agency (EPA) to award a \$120,000 no-bid contract for “news analysis” to Definers Public Affairs, as reported this week by *Mother Jones*<sup>1</sup> and the *New York Times*.<sup>2</sup> EPA’s contract with Definers risks further politicizing the agency and is another instance of EPA under your tenure becoming captured by the industry it regulates.<sup>3</sup> At a minimum, it presents an appearance of impropriety to which you as Administrator should never be a party. For the reasons that follow, you should terminate this contract immediately.

Definers shares an address and staff with America Rising, a political action committee (PAC) that has been described as the “unofficial research arm of the Republican party.”<sup>4</sup> America Rising has branded itself as an organization on the right founded “for the sole purpose of exposing the truth about Democrats through video tracking, research, and communications.”<sup>5</sup> The group spends its time attacking Democrats, progressives, and environmentalists and lists Definers as one of its largest vendors.<sup>6</sup> America Rising also operates the 501(c)(4) organization America Rising Squared, a dark money organization whose contributors are anonymous. The leadership teams of America Rising and Definers share numerous individuals. For example, Definers’ founder, Matt Rhoades, also founded America Rising.<sup>7</sup> Definers’ president, Joe Pounder, is also the president of America Rising.<sup>8</sup> Definers’ Senior Vice President, Brian Rogers, is also the executive director of America Rising Squared.<sup>9</sup> These organizations may

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<sup>1</sup> “The EPA Hired a Major Republican Opposition Research Firm to Track Press Activity,” *Mother Jones*, <http://www.motherjones.com/politics/2017/12/the-epa-hired-a-major-republican-opposition-research-firm-to-track-press-activity/>

<sup>2</sup> “E.P.A. Contractor Has Spent Past Year Scouring the Agency for Anti-Trump Officials,” *The New York Times*, <https://www.nytimes.com/2017/12/15/us/politics/epa-scott-pruitt-foia.html>

<sup>3</sup> “How Rollbacks at Scott Pruitt’s E.P.A. Are a Boon to Oil and Gas,” *The New York Times*, <https://www.nytimes.com/2017/05/20/business/energy-environment/devon-energy.html>; “Under Trump, E.P.A. Has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers,” *The New York Times*, <https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html>

<sup>4</sup> “Political Operatives Find Demand for Their Skills in Business World,” *The Wall Street Journal*, <https://www.wsj.com/articles/political-operatives-find-demand-for-their-skills-in-business-world-1462136874>

<sup>5</sup> America Rising, <https://americarisingpac.org/about-us/>

<sup>6</sup> America Rising PAC Expenditures (2018), Open Secrets.org, <https://www.opensecrets.org/pacs/expenditures.php?cmte=C00542902&cycle=2018>

<sup>7</sup> Matt Rhoades, Definers, <https://www.definersdc.com/matt-rhoades>

<sup>8</sup> Joe Pounder, Definers, <https://www.definersdc.com/joe-pounder>

<sup>9</sup> Brian Rogers, Definers, <https://www.definersdc.com/brian-rogers>

have different corporate forms, but we should all be clear that they are merely different parts of the same multi-faceted partisan operation. Any claim they are distinct is a sham.

What's more, America Rising and Definers receive significant funds from interests in the energy sector as well as other industries you regulate as EPA Administrator. While this cabal of Republican opposition research and electioneering organizations can raise much of its money anonymously so that the identities of many of its donors are unknown to the public, press reports about Definers' work and Federal Election Commission (FEC) disclosures from the America Rising PAC make it abundantly clear that companies you regulate are driving much of its work. Definers was hired by fossil fuel interests to work on opposing a local ballot initiative in Colorado that would have placed conditions on oil and gas drilling.<sup>10</sup> America Rising has received sizeable donations from several companies and individuals affiliated with the energy industry, including Hilcorp Energy, L.E. Simmons of SCF Partners, and Jonathon Barrett of Luminus Management LLC. It has also received donations from companies and individuals in other industries regulated by EPA, including Susan Groff of Northwest Excavating, William Kunkler of CC Industries (manufacturing), George Daniels of Daniels Manufacturing, and Jerry Langer of Langer Transport.<sup>11</sup>

Many of these same corporate interests vocally supported your nomination and confirmation as EPA Administrator. America Rising even ran a campaign in support of your confirmation as EPA Administrator which included ads urging senators to vote for your confirmation and the website, [www.ConfirmPruitt.com](http://www.ConfirmPruitt.com).<sup>12</sup> At your confirmation hearing, Senator Whitehouse asked you the following question for the record, which has renewed relevance in light of recent events:

Q 138. Please provide any correspondence or details about other communication between you or anyone working on your behalf concerning the establishment or activities of America Rising, America Rising Squared, and Protecting America Now, and any other organizations that are funding efforts to get you confirmed as EPA Administrator.

A. I am not aware of any such correspondence.

Your response was dubious then, and is even more dubious now.

The America Rising-Definers network has been no less active on your behalf following your confirmation than it was before, even putting aside this recent contract. The aforementioned Joe Pounder, president of Definers *and* America Rising, wears yet another hat in this constellation of interconnected partisan groups: he runs a website called the Need to Know Network (NTK) that has provided favorable coverage of your tenure at EPA.<sup>13</sup> EPA's official Twitter account has even on several occasions tweeted NTK's coverage of your work at EPA.

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<sup>10</sup> "FRACTURED: Undermining Broomfield," *The Colorado Independent*, <http://www.coloradoindependent.com/167431/fractured-undermining-broomfield>

<sup>11</sup> America Rising PAC Contributors (2016), Open Secrets.org, <https://www.opensecrets.org/pacs/pacgave2.php?cmte=C00542902&cycle=2016>

<sup>12</sup> "Conservatives target red-state Democrats to speed Trump's nominations," *Politico*, <https://www.politico.com/story/2016/12/trump-nominations-red-state-democrats-232890>

<sup>13</sup> "Scott Pruitt's media echo chamber," *Grist*, <http://grist.org/article/scott-pruitts-media-echo-chamber/>

As if all this weren't enough, Definers has filed several Freedom of Information Act (FOIA) requests with EPA relating to work EPA was doing under the previous administration with respect to the treatment of wood.<sup>14</sup> It would appear that Definers is working for a corporate client that has business before EPA relating to this matter. America Rising has also filed several FOIA requests with EPA.<sup>15</sup> These requests were filed by the same person who filed the FOIA requests for Definers; this person works at both Definers and America Rising.<sup>16</sup> America Rising's FOIA requests seek to obtain emails from specific EPA employees and/or correspondence between specific EPA employees and various media outlets as well as the staffs of Senators Sheldon Whitehouse, Tom Carper, Elizabeth Warren, and Robert Casey in an apparent effort to uncover "moles" within EPA.

The *New York Times* has recently documented how EPA enforcement has fallen off significantly during your tenure.<sup>17</sup> Senators Carper and Whitehouse last week raised concerns that you have changed agency policy to give regulated industries an unprecedented seat at the table in negotiations to settle lawsuits where EPA is charged with failing to follow through on its statutory commitments to enforce the Clean Air Act and other environmental laws. Hiring a public relations firm with abundant ties to industries you regulate, which is itself part of a broader network of groups active on behalf of you and fossil fuel interests, suggests that you have handed industry the keys to EPA.

None of this can come as a surprise to you. In 2015, America Rising paid to attend the Republican Attorneys General Association (RAGA) annual summit at which you spoke.<sup>18</sup> You led RAGA for two years, where you worked through RAGA to attack EPA during the Obama administration.

Your representatives have claimed that EPA's contract with Definers is for "media monitoring/newsclip compilation"<sup>19</sup> and that it was retained "at a rate that is \$87,000 cheaper than our previous vendor and they are providing no other services."<sup>20</sup> All of the above information about Definers, its activities, clients, and role within a much larger ecosystem of partisan, industry-funded operations research and electioneering groups casts significant doubt on these statements.

In light of the above and in order to shed light on EPA's decision to award this contract, we are asking that you provide the following documents and responses by Thursday, December 21.

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<sup>14</sup> EPA Pending FOIA Requests, [https://www.epa.gov/sites/production/files/2017-09/documents/all\\_pending\\_report\\_20170831.pdf](https://www.epa.gov/sites/production/files/2017-09/documents/all_pending_report_20170831.pdf)

<sup>15</sup> *Id.*

<sup>16</sup> Allan Blutstein, Definers, <https://www.definersdc.com/allan-blutstein>

<sup>17</sup> "Under Trump, E.P.A. Has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers," *The New York Times*, <https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html>

<sup>18</sup> "To Fight Clean Power Plan, Fossil Fuel Companies Paid for Private Meetings with Republican State Prosecutors," DeSmogBlog, <https://www.desmogblog.com/2016/09/07/fight-clean-power-plan-fossil-fuel-companies-paid-private-meetings-republican-state-prosecutors>

<sup>19</sup> "The EPA Hired a Major Republican Opposition Research Firm to Track Press Activity," *Mother Jones*, <http://www.motherjones.com/politics/2017/12/the-epa-hired-a-major-republican-opposition-research-firm-to-track-press-activity/>

<sup>20</sup> "E.P.A. Contractor Has Spent Past Year Scouring the Agency for Anti-Trump Officials," *The New York Times*, <https://www.nytimes.com/2017/12/15/us/politics/epa-scott-pruitt-foia.html>

1. Provide copies of all documents related to the procurement of services with Definers as well as the contract EPA concluded with Definers for these services.
2. What provision of the Federal Acquisition Regulation (FAR) authorized a no-bid contract for the type of services EPA procured from Definers? According to the contract transaction details posted on the [usaspending.gov](https://www.usaspending.gov) website, the reason not to put this contract out to bid was that there was “only one source – other.”<sup>21</sup> Please explain what this means when in fact there are many firms that offer the services for which EPA contracted with Definers, including the firm that previously did that work.
3. Provide copies of all communications between EPA and Definers, America Rising, America Rising Squared, NTK, and any employees and representatives of these entities since February 17, 2017.
4. Confirm that all communications you or any EPA employee have had with any person in question 3, regardless of the form of communication used, have been retained by EPA and searched in response to this inquiry.
5. Provide communications or documentation to establish that no EPA funds paid to Definers or any affiliated group have been spent for “publicity or propaganda” or a “prepackaged news story” in violation of sections 715, 718 or 731 of division E of the Consolidated Appropriations Act, 2017.
6. Provide communications or documentation to establish that no EPA funds paid to Definers or any affiliated group have been spent with the intent or the reasonable expectation that the funds would be used to make a contribution, expenditure, independent expenditure, or disbursement for an electioneering communication in violation of section 735 of division E of the Consolidated Appropriations Act, 2017.
7. Provide all communications between EPA and the Definers – America Rising network as to and regulated entities that are also clients of or donors to Definers – America Rising. Describe and provide all communications related to EPA’s due diligence efforts to determine if any conflicts of interest existed between the agency and regulated entities that are clients of or donors to Definers – America Rising. Provide all communications to or from EPA related to Broomfield, CO, ballot initiative Question 301 this year.<sup>22</sup>
8. Provide documentation or, if not available, a narrative description of the processes and procedures in place to ensure no client or funder of Definers-America Rising or any related entity can exert improper influence over EPA enforcement proceedings or litigation.
9. Provide all communications between EPA and the Definers – America Rising – NTK network of affiliated groups relating to EPA employee communications that were requested under FOIA by anyone from the Definers – America Rising – NTK network of affiliated groups. These employees include but are not limited to Natasha Greaves,

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<sup>21</sup> Definers, USA Spending,

<https://www.usaspending.gov/transparency/Pages/TransactionDetails.aspx?RecordID=53D2AF0E-B566-47BB-8EB4-728DAC00CEB7&AwardID=59978626&AwardType=C>

<sup>22</sup> “FRACTURED: Undermining Broomfield,” *The Colorado Independent*, <http://www.coloradoindependent.com/167431/fractured-undermining-broomfield>

Michael Mikulka, Lucretia Meyers, Thelma Estrada, Gary Morton, Anthony Tseng, Christopher Grundler, Mike Shapiro, John Reeder, Enesta Jones, Christie St. Clair, Deborah Szaro, Michael Cox, Elizabeth Southerland, and Priscilla Oliver. In an interview with the New York Times, Allan Blutstein, a senior vice president at Definers explained that he sought this information to take aim at “resistance” figures in the federal government and to see if they had done anything useful for Republicans.<sup>23</sup> If any of these individuals have faced adverse personnel actions since February 17, 2017, please explain the nature of the action, the circumstances surrounding the action, and provide any correspondence concerning those individuals between EPA and any person affiliated with the Definers – America Rising – NTK network of affiliated groups.

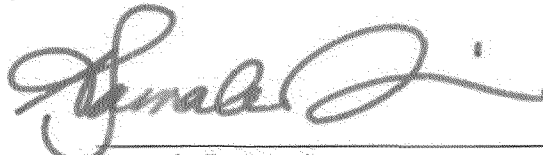
10. Explain how the facts described above – America Rising’s active financial support of your confirmation as well as your earlier political career, NTK’s favorable press coverage of your tenure at EPA, Definer’s working on behalf of regulated entities, regulated entities funding America Rising’s work – do not constitute a series of conflicts of interest. We would be particularly interested to learn why you believe that scientists who are awarded EPA grant money are conflicted while the Definers – America Rising – NTK network is not.

Should you have any questions regarding any of the information we are requesting in this letter, please do not hesitate to contact our staffers, Dan Dudis at [dan\\_dudis@whitehouse.senate.gov](mailto:dan_dudis@whitehouse.senate.gov) and Monica Pham at [monica\\_pham@harris.senate.gov](mailto:monica_pham@harris.senate.gov). We look forward to your response.

Sincerely,



Sheldon Whitehouse  
United States Senator



Kamala D. Harris  
United States Senator

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<sup>23</sup> “E.P.A. Contractor Has Spent Past Year Scouring the Agency for Anti-Trump Officials,” *The New York Times*, <https://www.nytimes.com/2017/12/15/us/politics/epa-scott-pruitt-foia.html>

**From:** Quarles, Michael  
**Location:** DCRoomRRB61233California25pp/DC-Ronald-Reagan-OAM  
**Importance:** Normal  
**Subject:** Accepted: IMMEDIATE ACTION >> Congressional - Oversight request on Definers Inc. contract  
**Start Time:** Tue 1/9/2018 3:30:00 PM  
**End Time:** Tue 1/9/2018 4:30:00 PM  
**Required Attendees:** Brown, Rayna

**To:** Quarles, Michael[Quarles.Michael@epa.gov]  
**From:** DC-WJCN-2432Z-M@epa.gov  
**Sent:** Thur 12/7/2017 8:25:56 PM  
[image2017-12-07-152556.pdf](#)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
THE ADMINISTRATOR

**MEMORANDUM**

SUBJECT: Request for Sole Source Purchase Award

FROM: Nancy Grantham, Acting Principal Deputy Associate Administrator  
Office of Public Affairs

TO: Jessica Wilson, Contracting Officer  
Headquarters Procurement Operations Division, PCSC/OAM (3803r)

DATE: December 7, 2017

This letter serves to justify the sole source purchase of services from Definers for media clip and war rooms media services.

Definers offers intensive, near live-time "war room" coverage of media stories for specific topics, events or announcements. They also provide access to a searchable database of EPA topics and issues while compiling news articles delivered by email daily.

The vendor has a customizable and proprietary Console which brings together cutting-edge technology and human analysis to provide real-time actionable intelligence based on the most relevant information. It allows organizations to have a holistic view of what is occurring in the public domain with regards to their organization and relevant sectors, both domestically and globally.

This service is vital to EPA's Office of Public Affairs to fully monitor and respond quickly to breaking media coverage. This service also directly supports the Administrator and other senior EPA officials by providing them with timely updates on media stories. I believe it is of the best value to the agency to pursue this contract.

**To:** Scott, Elaine[Scott.Elaine@epa.gov]  
**From:** Vaughn, Celia  
**Sent:** Tue 2/6/2018 3:38:35 PM  
**Subject:** Read: RE: URGENT ACTION REQUESTED Re: Definers Statement of Work-1.pdf

Your message

To: Vaughn, Celia  
Subject: RE: URGENT ACTION REQUESTED Re: Definers Statement of Work-1.pdf  
Sent: Tuesday, February 6, 2018 9:08:10 AM (UTC-05:00) Eastern Time (US & Canada)

was read on Tuesday, February 6, 2018 10:38:35 AM (UTC-05:00) Eastern Time (US & Canada).

**To:** Aarons, Kyle[Aarons.Kyle@epa.gov]  
**Cc:** Scott, Elaine[Scott.Elaine@epa.gov]  
**From:** Vaughn, Celia  
**Sent:** Tue 2/6/2018 5:20:37 PM  
**Subject:** Fwd: URGENT ACTION REQUESTED Re: Definers Statement of Work-1.pdf  
[final SOW for Definers EP18H000025.pdf](#)  
[ATT00001.htm](#)

As we discussed on the phone.

The CO verified the SOW for EP18H000025 by reviewing the contract file. The last SOW received was on 11/13/17 and is quite similar to the one you attached in your email yesterday. This SOW is also included in the electronic package we sent you back in January starting on page 97.

Celia M. Vaughn  
Chief of Staff, USEPA Headquarters, Office of Acquisition Management  
[1200 Pennsylvania Avenue, N. W. Washington, DC 20460](#)  
Mail Code 3805R [\(202\) 564-1047](#)

---

**To:** Scott, Elaine[Scott.Elaïne@epa.gov]  
**From:** Brown, Rayna  
**Sent:** Tue 12/19/2017 6:18:59 PM  
**Subject:** Read: RE: FYI >> CO just informed Definers Corp. of intent to issue a modification to cancel the award EP-18-H-000025

Your message

To: Brown, Rayna  
Subject: RE: FYI >> CO just informed Definers Corp. of intent to issue a modification to cancel the award EP-18-H-000025  
Sent: Tuesday, December 19, 2017 12:10:05 PM (UTC-05:00) Eastern Time (US & Canada)

was read on Tuesday, December 19, 2017 1:18:59 PM (UTC-05:00) Eastern Time (US & Canada).

Celia M. Vaughn  
Chief of Staff, USEPA Headquarters, Office of Acquisition Management  
1200 Pennsylvania Avenue, N. W. Washington, DC 20460  
Mail Code 3805R (202) 564-1047



Committee on Transportation and Infrastructure  
U.S. House of Representatives

Bill Shuster  
Chairman

Washington, DC 20515

Peter A. DeFazio  
Ranking Member

January 3, 2018

Mathew M. Sturges, Staff Director

Katherine W. Dedrick, Democratic Staff Director

The Honorable Scott Pruitt  
Administrator  
U.S. Environmental Protection Agency  
Mail Code 1101A  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Pruitt:

I write to request further information on the process for awarding a \$120,000 no-bid contract<sup>1</sup> ("Contract") by the U.S. Environmental Protection Agency (EPA) to Definers Public Affairs ("Definers") to provide "news analysis and brief service focusing on EPA work and other topics of interest to EPA."<sup>2</sup> While I am aware of press reports that EPA and Definers may have agreed to cancel this contract,<sup>3</sup> I request this information for Congressional oversight of the process by which EPA provided notice and solicited offers for this work, and identified and awarded Definers the contract for this work.

According to Federal records, on December 7, 2017, EPA contracted with Definers for a total contract value of \$120,000 in a contract not submitted for full and open competition.<sup>4</sup> According to *The Hill*, EPA planned to utilize the company's "Definers Console" which, according to Definers' marketing materials, is a "war room" for "media monitoring/newsclip compilation".<sup>5</sup>

An online summary of the Contract states that it was not submitted to full and open competition, citing an "ONLY ONE SOURCE - OTHER" exception.<sup>6</sup> However, in a news article,

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<sup>1</sup> EPA Award Number EP18H000025 to Definers Corps. (Dec. 7, 2017), *available at* <https://www.usaspending.gov/Transparency/Pages/TransactionDetails.aspx?RecordID=53D2AF0E-B566-47BB-8EB4-728DAC00CEB7&AwardID=59978626&AwardType=C> [hereinafter "EPA Award"].

<sup>2</sup> *Id.*

<sup>3</sup> Eric Lipton and Lisa Friedman, *Consulting Firm Whose Staff Scoured E.P.A. Employees' Emails Loses Media Contract*, New York Times (Dec. 19, 2017), <https://www.nytimes.com/2017/12/19/climate/epa-definers-public-affairs-contract.html>.

<sup>4</sup> EPA Award, *supra* note 1.

<sup>5</sup> Devin Henry, *EPA inks \$120k contract with Republican opposition research firm*, The Hill (Dec. 15, 2017), <http://thehill.com/policy/energy-environment/365088-epa-inks-120k-contract-with-republican-opposition-research-firm>.

<sup>6</sup> EPA Award, *supra* note 1.

EPA spokesperson, Nancy Grantham, stated, “When the government seeks to sole-source a contract, notice must be placed on *FedConnect* or *FedBizOps* so other vendors have an opportunity to provide documentation of their ability to provide the services outlined in the contract scope of work... In this case, one additional vendor responded with their qualifications and the media/news clips contract was awarded to Definers.”<sup>7</sup> This statement from EPA seems to suggest that Definers was not the only company that responded to EPA’s contract solicitation, and that EPA may have received multiple bids from vendors in response to this solicitation and notice.

In the same story, the EPA spokesperson stated that the Definers Contract was “\$87,000 cheaper than our previous media monitoring vendor,”<sup>8</sup> which, again, suggests that other companies were potentially available to provide similar services.

I also request further information on your personal involvement, or the involvement of the political staff of EPA, in the identification of Definers as a potential candidate for the Contract. I am aware that your Senior Communications Advisor worked with two current Definers staff during the Rubio for President Campaign.<sup>9</sup> I am also well aware that several Definers staff are previous founders, leaders, and employees of the American Rising PAC, a political video tracking firm that targets Democratic candidates for elected office.<sup>10</sup> Similarly, several current Definers staff also hold positions with other political organizations, such as America Rising Squared or Reclaim Connecticut<sup>11</sup>—both organizations that appear to target the “Environmentalism Left... and exposing their extreme rhetoric and agenda.”<sup>12</sup> Yet, while the staff of Definers have a partisan reputation and history of campaign work for Republican causes, I see no evidence that Definers has any prior experience in providing “news analysis and brief service focusing on EPA work and other topics of interest to EPA”, as required by the contract.

The only EPA-related experience I could uncover by Definers staff is the reported “witch hunt against EPA employees” alleged to have expressed concerns about the agency or its leadership. According to *The New York Times*, a Senior Vice President of Definers, Allan Blutstein, has made several Freedom of Information Act (FOIA) requests targeting individual EPA employees who, Mr. Blutstein alleges, have raised concerns about the ability of the agency to meet its statutory missions of protection of human health and the environment. In only a cursory look at *FOIAonline*, in calendar year 2017, Mr. Blutstein made 25 FOIA requests of EPA on behalf of America Rising—20 of which specifically target the individual emails of EPA staff to various news organizations or Congressional offices. While the specific intentions of Mr. Blutstein are not known, the fact that you were willing to hire a company that would personally and publically target your employees for potential harassment portends a type of personnel management taken right out of George Orwell’s *1984*.

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<sup>7</sup> Kevin Bogardus, *Agency signs Republican PR firm to \$120K contract*, Greenwire (Dec. 15, 2017), <https://www.eenews.net/greenwire/2017/12/15/stories/1060069191>.

<sup>8</sup> See *id.*

<sup>9</sup> Cf. <https://www.linkedin.com/in/jahan-wilcox-ab55477/> with <https://www.linkedin.com/in/joe-pounder-5b5b66b/> and <https://www.linkedin.com/in/mike-chenderlin-319a90106/>.

<sup>10</sup> See <https://americarisingpac.org/>.

<sup>11</sup> See <https://reclaimct.com/about-us/>.

<sup>12</sup> See <http://arsquared.org/energy/>.

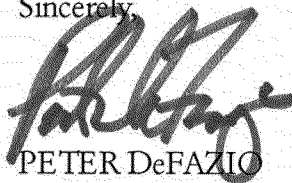
To exercise our Congressional oversight responsibilities, I request additional information related to the awarding of the Contract to Definers. Specifically, I request you provide my office on the Committee on Transportation and Infrastructure with the following information:

1. A copy of the initial public solicitation or notice related to the “news analysis and brief service” work put out for bid, including evidence on the manner in which this solicitation or notice was made publicly available and a timeline on the contract solicitation period;
2. A description of the internal EPA process utilized to publicly notice and solicit offers for this work and to identify and award the contract for this work, including the identity of EPA staff (including political staff) that participated in this process;
3. A copy of all formal contract responses or other indications of interest to this solicitation or notice from prospective companies seeking to bid on this work;
4. A copy of all internal EPA emails, EPA communications, or other deliberative materials related to Definers, current Definers staff, or the Contract;
5. A description of the prior experience of Definers in providing “news analysis and brief service focusing on EPA work and other topics of interest to EPA”, as required by the Contract;
6. A copy of the final Contract with Definers; and
7. A copy of the contract between EPA and any company that provided similar media monitoring services to the agency *immediately prior* to the awarding of the Contract with Definers (press reports indicate that this contract was with a company called Bulletin Intelligence, LLC).

If you have any questions regarding this request, please have your staff contact the Democratic Staff of the Subcommittee on Water Resources and Environment at (202) 225-0060.

Thank you for your prompt attention to this matter.

Sincerely,



PETER DeFAZIO  
Ranking Member

**Congress of the United States**  
**House of Representatives**  
**Washington, D.C. 20515**  
January 5, 2018

The Honorable Scott Pruitt  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Pruitt:

We write to express our serious concerns regarding the awarding of a \$120,000 no-bid contract<sup>1</sup> (“Contract”) by the U.S. Environmental Protection Agency (EPA) to Definers Public Affairs (“Definers”) to provide “news analysis and brief service focusing on EPA work and other topics of interest to EPA.”<sup>2</sup> The awarding of this contract without full and open competition<sup>3</sup> to a company with no apparent experience in providing these services to a Federal agency<sup>4</sup> is concerning enough on its own. However, the political activities and affiliations of Definers make this action more alarming.<sup>5</sup> While Definers recently terminated the contract with EPA, we have outstanding questions regarding EPA’s selection of Definers and whether the Contract was an appropriate use of taxpayer dollars.

Federal records show that on December 7, 2017 EPA contracted with Definers for a total contract value of \$120,000 in a contract not submitted to full and open competition.<sup>6</sup> Additionally, *The Hill* reported that EPA will utilize the company’s “Definers Console” which, according to Definers’ marketing materials, is a “war room” for “media monitoring/newsclip

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<sup>1</sup> EPA Award Number EP18H000025 to Definers Corps. (Dec. 7, 2017) (<https://www.usaspending.gov/Transparency/Pages/TransactionDetails.aspx?RecordID=53D2AF0E-B566-47BB-8EB4-728DAC00CEB7&AwardID=59978626&AwardType=C>) [hereinafter “EPA Award”].

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> Rebecca Leber, Andy Kroll and Russ Choma, *The EPA Hired a Major Republican Opposition Research Firm to Track Press Activity*, Mother Jones (December 15, 2017) (<http://www.motherjones.com/politics/2017/12/the-epa-hired-a-major-republican-opposition-research-firm-to-track-press-activity/>).

<sup>5</sup> Devin Henry, *EPA inks \$120k contract with Republican opposition research firm*, The Hill (Dec. 15, 2017) [hereinafter “Devin Henry”].

<sup>6</sup> EPA Award, *supra* note 1.

compilation.”<sup>7</sup> Definers describes the war room as a tool allowing the firm “to identify and react immediately to opportunities arising out of the news cycle and to flag potential challenges and crises before they take on a life of their own.”<sup>8</sup>

This vague description becomes particularly concerning given the other services offered by Definers. The firm offers lobbying services, including “recruiting and mobilizing constituents, local authorities, like minded organizations, and non-traditional allies.” Clearly, these are services which would constitute a violation of the antilobbying prohibitions if included in the EPA contract. Other services offered include working “to validate your [the client’s] narrative through the press and social media platforms” and “interface[ing] directly with reporters and editors both on and off the record, protecting our clients’ identity when desired.” These services, if included in the scope of the contract, would violate the prohibition on covert propaganda by federal agencies.

Especially concerning, Definers offers clients “dossiers on opponents, competitors and agitators ... packaged in easily digestible, media friendly formats.” We are also deeply troubled that individuals on Definers staff have been involved in a “witch hunt against E.P.A. employees” that may have publicly or privately expressed concerns about the Agency or its leadership. According to a December 17, 2017 article in *The New York Times*,<sup>9</sup> a Senior Vice President of Definers made several Freedom of Information Act (FOIA) requests targeting individual EPA employees who may have either expressed concerns about the direction of the Agency to meet its statutory missions of protecting human health or the environment. *The New York Times* reports that the targeted actions may have included private conversations at an off-site luncheon, a letter to Administrator Pruitt, or attendance at a rally protesting budgetary cuts to the agency.<sup>10</sup>

We have become increasingly concerned about the secrecy and lack of transparency from your administration, and this latest report is an alarming new development. Hiring a firm that offers services attacking the press and surveilling your employees threatens the functioning of your agency and potentially the freedom of the press guaranteed by our Constitution.

We request that you respond to the following by January 19, 2018:

1. What was your role in selecting Definers for this award? In addition to yourself, which EPA political appointees were involved in selecting Definers? Please provide all communications between yourself and all other EPA political appointees and any Definers representative between February 17, 2017 and December 7, 2017.

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<sup>7</sup> Devin Henry, *supra* note 5.

<sup>8</sup> Definers Public Affairs, “What We Do” (<https://www.definersdc.com/services>).

<sup>9</sup> Eric Lipton and Lisa Friedman, *E.P.A. Employees Spoke Out. Then Came Scrutiny of Their Email*, *The New York Times*, (Dec. 17, 2017).

<sup>10</sup> *See id.*

2. Were you or other EPA political appointees aware of the FOIA requests filed by Definers employees against individual agency employees before the contract was awarded? Were those FOIA requests considered in the identification of Definers as a potential candidate for the Contract, or a factor in ultimately awarding the Contract?
3. Was Definers, America Rising, or any of their agents involved in creating or funding the website ConfirmPruitt.com?
4. Were you, any of your agents, or any current EPA employees involved in generating or reviewing the content of the website ConfirmPruitt.com, or providing or raising funds for the site? Did any representative of Definers, America Rising, or America Rising Squared generate or review content for the website?
5. What work did Definers perform for EPA pursuant to the contract? Please provide a list of all services performed by Definers for EPA during the duration of the contract, including the date, the service provided, time required, the itemized cost, and the name of the Definers employee who performed the work. What was the total amount of taxpayer funds EPA paid Definers during the duration of the contract? Please provide copies of all communications between EPA and any representative of Definers, America Rising, America Rising Squared, and the Need to Know Network during calendar year 2017.
6. On December 10, *The New York Times* published an article identifying an alarming decrease in enforcement actions brought by the EPA during your administration.<sup>11</sup> EPA issued an unusual press release in response, which has since been removed from the Agency website but continues to be cited by conservative media sources. What role did Definers play in the agency's response to the December 10<sup>th</sup> article? Provide any correspondence between EPA and any representative of Definers, America Rising, America Rising Squared, and the Need to Know Network regarding the December 10<sup>th</sup> article.
7. What firewalls were in place in the contract with Definers Corp to ensure that Definers firewalled the media monitoring services provided under the Contract from its services that would violate the Publicity or Propaganda Prohibition and Anti-Lobbying provisions?
8. Please provide a copy of the contract between EPA and Definers Corp. including any statement of work.

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<sup>11</sup> Eric Lipton and Danielle Ivory, *Under Trump, EPA has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers*, New York Times, (Dec. 10, 2017).

Thank you for your prompt attention to this matter. If you have any questions, please contact Jacqueline Cohen from the Committee on Energy and Commerce Democratic Staff at (202) 225-3641.

Sincerely,



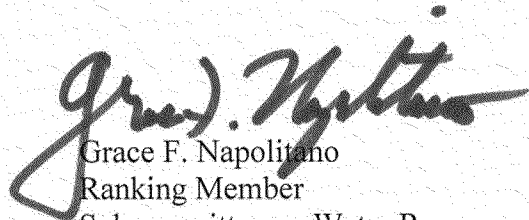
Franks Pallone, Jr.  
Ranking Member  
Committee on Energy and Commerce



Peter DeFazio  
Ranking Member  
Committee on Transportation  
and Infrastructure



Paul D. Tonko  
Ranking Member  
Subcommittee on Environment  
Committee on Energy and Commerce



Grace F. Napolitano  
Ranking Member  
Subcommittee on Water Resources  
and Environment  
Committee on Transportation  
and Infrastructure



Betty McCollum  
Ranking Member  
Subcommittee on Interior,  
Environment and Related Agencies  
Committee on Appropriations

# United States Senate

WASHINGTON, DC 20510

December 19, 2017

The Honorable Scott Pruitt  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, D.C. 20460

Dear Administrator Pruitt:

We are writing you to express our concerns about the decision by the Environmental Protection Agency (EPA) to award a \$120,000 no-bid contract for “news analysis” to Definers Public Affairs, as reported this week by *Mother Jones*<sup>1</sup> and the *New York Times*.<sup>2</sup> EPA’s contract with Definers risks further politicizing the agency and is another instance of EPA under your tenure becoming captured by the industry it regulates.<sup>3</sup> At a minimum, it presents an appearance of impropriety to which you as Administrator should never be a party. For the reasons that follow, you should terminate this contract immediately.

Definers shares an address and staff with America Rising, a political action committee (PAC) that has been described as the “unofficial research arm of the Republican party.”<sup>4</sup> America Rising has branded itself as an organization on the right founded “for the sole purpose of exposing the truth about Democrats through video tracking, research, and communications.”<sup>5</sup> The group spends its time attacking Democrats, progressives, and environmentalists and lists Definers as one of its largest vendors.<sup>6</sup> America Rising also operates the 501(c)(4) organization America Rising Squared, a dark money organization whose contributors are anonymous. The leadership teams of America Rising and Definers share numerous individuals. For example, Definers’ founder, Matt Rhoades, also founded America Rising.<sup>7</sup> Definers’ president, Joe Pounder, is also the president of America Rising.<sup>8</sup> Definers’ Senior Vice President, Brian Rogers, is also the executive director of America Rising Squared.<sup>9</sup> These organizations may

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<sup>1</sup> “The EPA Hired a Major Republican Opposition Research Firm to Track Press Activity,” *Mother Jones*, <http://www.motherjones.com/politics/2017/12/the-epa-hired-a-major-republican-opposition-research-firm-to-track-press-activity/>

<sup>2</sup> “E.P.A. Contractor Has Spent Past Year Scouring the Agency for Anti-Trump Officials,” *The New York Times*, <https://www.nytimes.com/2017/12/15/us/politics/epa-scott-pruitt-foia.html>

<sup>3</sup> “How Rollbacks at Scott Pruitt’s E.P.A. Are a Boon to Oil and Gas,” *The New York Times*, <https://www.nytimes.com/2017/05/20/business/energy-environment/devon-energy.html>; “Under Trump, E.P.A. Has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers,” *The New York Times*, <https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html>

<sup>4</sup> “Political Operatives Find Demand for Their Skills in Business World,” *The Wall Street Journal*, <https://www.wsj.com/articles/political-operatives-find-demand-for-their-skills-in-business-world-1462136874>

<sup>5</sup> America Rising, <https://americarisingpac.org/about-us/>

<sup>6</sup> America Rising PAC Expenditures (2018), Open Secrets.org, <https://www.opensecrets.org/pacs/expenditures.php?cmte=C00542902&cycle=2018>

<sup>7</sup> Matt Rhoades, Definers, <https://www.definersdc.com/matt-rhoades>

<sup>8</sup> Joe Pounder, Definers, <https://www.definersdc.com/joe-pounder>

<sup>9</sup> Brian Rogers, Definers, <https://www.definersdc.com/brian-rogers>

have different corporate forms, but we should all be clear that they are merely different parts of the same multi-faceted partisan operation. Any claim they are distinct is a sham.

What's more, America Rising and Definers receive significant funds from interests in the energy sector as well as other industries you regulate as EPA Administrator. While this cabal of Republican opposition research and electioneering organizations can raise much of its money anonymously so that the identities of many of its donors are unknown to the public, press reports about Definers' work and Federal Election Commission (FEC) disclosures from the America Rising PAC make it abundantly clear that companies you regulate are driving much of its work. Definers was hired by fossil fuel interests to work on opposing a local ballot initiative in Colorado that would have placed conditions on oil and gas drilling.<sup>10</sup> America Rising has received sizeable donations from several companies and individuals affiliated with the energy industry, including Hilcorp Energy, L.E. Simmons of SCF Partners, and Jonathon Barrett of Luminus Management LLC. It has also received donations from companies and individuals in other industries regulated by EPA, including Susan Groff of Northwest Excavating, William Kunkler of CC Industries (manufacturing), George Daniels of Daniels Manufacturing, and Jerry Langer of Langer Transport.<sup>11</sup>

Many of these same corporate interests vocally supported your nomination and confirmation as EPA Administrator. America Rising even ran a campaign in support of your confirmation as EPA Administrator which included ads urging senators to vote for your confirmation and the website, [www.ConfirmPruitt.com](http://www.ConfirmPruitt.com).<sup>12</sup> At your confirmation hearing, Senator Whitehouse asked you the following question for the record, which has renewed relevance in light of recent events:

Q 138. Please provide any correspondence or details about other communication between you or anyone working on your behalf concerning the establishment or activities of America Rising, America Rising Squared, and Protecting America Now, and any other organizations that are funding efforts to get you confirmed as EPA Administrator.

A. I am not aware of any such correspondence.

Your response was dubious then, and is even more dubious now.

The America Rising-Definers network has been no less active on your behalf following your confirmation than it was before, even putting aside this recent contract. The aforementioned Joe Pounder, president of Definers *and* America Rising, wears yet another hat in this constellation of interconnected partisan groups: he runs a website called the Need to Know Network (NTK) that has provided favorable coverage of your tenure at EPA.<sup>13</sup> EPA's official Twitter account has even on several occasions tweeted NTK's coverage of your work at EPA.

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<sup>10</sup> "FRACTURED: Undermining Broomfield," *The Colorado Independent*, <http://www.coloradoindependent.com/167431/fractured-undermining-broomfield>

<sup>11</sup> America Rising PAC Contributors (2016), Open Secrets.org, <https://www.opensecrets.org/pacs/pacgave2.php?cmte=C00542902&cycle=2016>

<sup>12</sup> "Conservatives target red-state Democrats to speed Trump's nominations," *Politico*, <https://www.politico.com/story/2016/12/trump-nominations-red-state-democrats-232890>

<sup>13</sup> "Scott Pruitt's media echo chamber," *Grist*, <http://grist.org/article/scott-pruitts-media-echo-chamber/>

As if all this weren't enough, Definers has filed several Freedom of Information Act (FOIA) requests with EPA relating to work EPA was doing under the previous administration with respect to the treatment of wood.<sup>14</sup> It would appear that Definers is working for a corporate client that has business before EPA relating to this matter. America Rising has also filed several FOIA requests with EPA.<sup>15</sup> These requests were filed by the same person who filed the FOIA requests for Definers; this person works at both Definers and America Rising.<sup>16</sup> America Rising's FOIA requests seek to obtain emails from specific EPA employees and/or correspondence between specific EPA employees and various media outlets as well as the staffs of Senators Sheldon Whitehouse, Tom Carper, Elizabeth Warren, and Robert Casey in an apparent effort to uncover "moles" within EPA.

The *New York Times* has recently documented how EPA enforcement has fallen off significantly during your tenure.<sup>17</sup> Senators Carper and Whitehouse last week raised concerns that you have changed agency policy to give regulated industries an unprecedented seat at the table in negotiations to settle lawsuits where EPA is charged with failing to follow through on its statutory commitments to enforce the Clean Air Act and other environmental laws. Hiring a public relations firm with abundant ties to industries you regulate, which is itself part of a broader network of groups active on behalf of you and fossil fuel interests, suggests that you have handed industry the keys to EPA.

None of this can come as a surprise to you. In 2015, America Rising paid to attend the Republican Attorneys General Association (RAGA) annual summit at which you spoke.<sup>18</sup> You led RAGA for two years, where you worked through RAGA to attack EPA during the Obama administration.

Your representatives have claimed that EPA's contract with Definers is for "media monitoring/newsclip compilation"<sup>19</sup> and that it was retained "at a rate that is \$87,000 cheaper than our previous vendor and they are providing no other services."<sup>20</sup> All of the above information about Definers, its activities, clients, and role within a much larger ecosystem of partisan, industry-funded operations research and electioneering groups casts significant doubt on these statements.

In light of the above and in order to shed light on EPA's decision to award this contract, we are asking that you provide the following documents and responses by Thursday, December 21.

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<sup>14</sup> EPA Pending FOIA Requests, [https://www.epa.gov/sites/production/files/2017-09/documents/all\\_pending\\_report\\_20170831.pdf](https://www.epa.gov/sites/production/files/2017-09/documents/all_pending_report_20170831.pdf)

<sup>15</sup> *Id.*

<sup>16</sup> Allan Blutstein, Definers, <https://www.definersdc.com/allan-blutstein>

<sup>17</sup> "Under Trump, E.P.A. Has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers," *The New York Times*, <https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html>

<sup>18</sup> "To Fight Clean Power Plan, Fossil Fuel Companies Paid for Private Meetings with Republican State Prosecutors," DeSmogBlog, <https://www.desmogblog.com/2016/09/07/fight-clean-power-plan-fossil-fuel-companies-paid-private-meetings-republican-state-prosecutors>

<sup>19</sup> "The EPA Hired a Major Republican Opposition Research Firm to Track Press Activity," *Mother Jones*, <http://www.motherjones.com/politics/2017/12/the-epa-hired-a-major-republican-opposition-research-firm-to-track-press-activity/>

<sup>20</sup> "E.P.A. Contractor Has Spent Past Year Scouring the Agency for Anti-Trump Officials," *The New York Times*, <https://www.nytimes.com/2017/12/15/us/politics/epa-scott-pruitt-foia.html>

1. Provide copies of all documents related to the procurement of services with Definers as well as the contract EPA concluded with Definers for these services.
2. What provision of the Federal Acquisition Regulation (FAR) authorized a no-bid contract for the type of services EPA procured from Definers? According to the contract transaction details posted on the [usaspending.gov](https://www.usaspending.gov) website, the reason not to put this contract out to bid was that there was “only one source – other.”<sup>21</sup> Please explain what this means when in fact there are many firms that offer the services for which EPA contracted with Definers, including the firm that previously did that work.
3. Provide copies of all communications between EPA and Definers, America Rising, America Rising Squared, NTK, and any employees and representatives of these entities since February 17, 2017.
4. Confirm that all communications you or any EPA employee have had with any person in question 3, regardless of the form of communication used, have been retained by EPA and searched in response to this inquiry.
5. Provide communications or documentation to establish that no EPA funds paid to Definers or any affiliated group have been spent for “publicity or propaganda” or a “prepackaged news story” in violation of sections 715, 718 or 731 of division E of the Consolidated Appropriations Act, 2017.
6. Provide communications or documentation to establish that no EPA funds paid to Definers or any affiliated group have been spent with the intent or the reasonable expectation that the funds would be used to make a contribution, expenditure, independent expenditure, or disbursement for an electioneering communication in violation of section 735 of division E of the Consolidated Appropriations Act, 2017.
7. Provide all communications between EPA and the Definers – America Rising network as to and regulated entities that are also clients of or donors to Definers – America Rising. Describe and provide all communications related to EPA’s due diligence efforts to determine if any conflicts of interest existed between the agency and regulated entities that are clients of or donors to Definers – America Rising. Provide all communications to or from EPA related to Broomfield, CO, ballot initiative Question 301 this year.<sup>22</sup>
8. Provide documentation or, if not available, a narrative description of the processes and procedures in place to ensure no client or funder of Definers-America Rising or any related entity can exert improper influence over EPA enforcement proceedings or litigation.
9. Provide all communications between EPA and the Definers – America Rising – NTK network of affiliated groups relating to EPA employee communications that were requested under FOIA by anyone from the Definers – America Rising – NTK network of affiliated groups. These employees include but are not limited to Natasha Greaves,

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<sup>21</sup> Definers, USA Spending,

<https://www.usaspending.gov/transparency/Pages/TransactionDetails.aspx?RecordID=53D2AF0E-B566-47BB-8EB4-728DAC00CEB7&AwardID=59978626&AwardType=C>

<sup>22</sup> “FRACTURED: Undermining Broomfield,” *The Colorado Independent*, <http://www.coloradoindependent.com/167431/fractured-undermining-broomfield>

Michael Mikulka, Lucretia Meyers, Thelma Estrada, Gary Morton, Anthony Tseng, Christopher Grundler, Mike Shapiro, John Reeder, Enesta Jones, Christie St. Clair, Deborah Szaro, Michael Cox, Elizabeth Southerland, and Priscilla Oliver. In an interview with the New York Times, Allan Blutstein, a senior vice president at Definers explained that he sought this information to take aim at “resistance” figures in the federal government and to see if they had done anything useful for Republicans.<sup>23</sup> If any of these individuals have faced adverse personnel actions since February 17, 2017, please explain the nature of the action, the circumstances surrounding the action, and provide any correspondence concerning those individuals between EPA and any person affiliated with the Definers – America Rising – NTK network of affiliated groups.

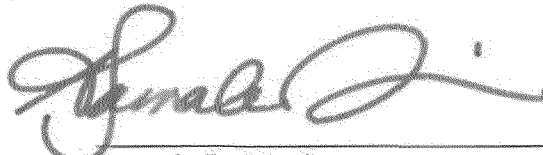
10. Explain how the facts described above – America Rising’s active financial support of your confirmation as well as your earlier political career, NTK’s favorable press coverage of your tenure at EPA, Definer’s working on behalf of regulated entities, regulated entities funding America Rising’s work – do not constitute a series of conflicts of interest. We would be particularly interested to learn why you believe that scientists who are awarded EPA grant money are conflicted while the Definers – America Rising – NTK network is not.

Should you have any questions regarding any of the information we are requesting in this letter, please do not hesitate to contact our staffers, Dan Dudis at [dan\\_dudis@whitehouse.senate.gov](mailto:dan_dudis@whitehouse.senate.gov) and Monica Pham at [monica\\_pham@harris.senate.gov](mailto:monica_pham@harris.senate.gov). We look forward to your response.

Sincerely,



Sheldon Whitehouse  
United States Senator



Kamala D. Harris  
United States Senator

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<sup>23</sup> “E.P.A. Contractor Has Spent Past Year Scouring the Agency for Anti-Trump Officials,” *The New York Times*, <https://www.nytimes.com/2017/12/15/us/politics/epa-scott-pruitt-foia.html>



Committee on Transportation and Infrastructure  
U.S. House of Representatives

Bill Shuster  
Chairman

Washington, DC 20515

Peter A. DeFazio  
Ranking Member

January 3, 2018

Mathew M. Sturges, Staff Director

Katherine W. Dedrick, Democratic Staff Director

The Honorable Scott Pruitt  
Administrator  
U.S. Environmental Protection Agency  
Mail Code 1101A  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Pruitt:

I write to request further information on the process for awarding a \$120,000 no-bid contract<sup>1</sup> ("Contract") by the U.S. Environmental Protection Agency (EPA) to Definers Public Affairs ("Definers") to provide "news analysis and brief service focusing on EPA work and other topics of interest to EPA."<sup>2</sup> While I am aware of press reports that EPA and Definers may have agreed to cancel this contract,<sup>3</sup> I request this information for Congressional oversight of the process by which EPA provided notice and solicited offers for this work, and identified and awarded Definers the contract for this work.

According to Federal records, on December 7, 2017, EPA contracted with Definers for a total contract value of \$120,000 in a contract not submitted for full and open competition.<sup>4</sup> According to *The Hill*, EPA planned to utilize the company's "Definers Console" which, according to Definers' marketing materials, is a "war room" for "media monitoring/newsclip compilation".<sup>5</sup>

An online summary of the Contract states that it was not submitted to full and open competition, citing an "ONLY ONE SOURCE - OTHER" exception.<sup>6</sup> However, in a news article,

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<sup>1</sup> EPA Award Number EP18H000025 to Definers Corps. (Dec. 7, 2017), *available at* <https://www.usaspending.gov/Transparency/Pages/TransactionDetails.aspx?RecordID=53D2AF0E-B566-47BB-8EB4-728DAC00CEB7&AwardID=59978626&AwardType=C> [hereinafter "EPA Award"].

<sup>2</sup> *Id.*

<sup>3</sup> Eric Lipton and Lisa Friedman, *Consulting Firm Whose Staff Scoured E.P.A. Employees' Emails Loses Media Contract*, New York Times (Dec. 19, 2017), <https://www.nytimes.com/2017/12/19/climate/epa-definers-public-affairs-contract.html>.

<sup>4</sup> EPA Award, *supra* note 1.

<sup>5</sup> Devin Henry, *EPA inks \$120k contract with Republican opposition research firm*, The Hill (Dec. 15, 2017), <http://thehill.com/policy/energy-environment/365088-epa-inks-120k-contract-with-republican-opposition-research-firm>.

<sup>6</sup> EPA Award, *supra* note 1.

EPA spokesperson, Nancy Grantham, stated, “When the government seeks to sole-source a contract, notice must be placed on *FedConnect* or *FedBizOps* so other vendors have an opportunity to provide documentation of their ability to provide the services outlined in the contract scope of work... In this case, one additional vendor responded with their qualifications and the media/news clips contract was awarded to Definers.”<sup>7</sup> This statement from EPA seems to suggest that Definers was not the only company that responded to EPA’s contract solicitation, and that EPA may have received multiple bids from vendors in response to this solicitation and notice.

In the same story, the EPA spokesperson stated that the Definers Contract was “\$87,000 cheaper than our previous media monitoring vendor,”<sup>8</sup> which, again, suggests that other companies were potentially available to provide similar services.

I also request further information on your personal involvement, or the involvement of the political staff of EPA, in the identification of Definers as a potential candidate for the Contract. I am aware that your Senior Communications Advisor worked with two current Definers staff during the Rubio for President Campaign.<sup>9</sup> I am also well aware that several Definers staff are previous founders, leaders, and employees of the American Rising PAC, a political video tracking firm that targets Democratic candidates for elected office.<sup>10</sup> Similarly, several current Definers staff also hold positions with other political organizations, such as America Rising Squared or Reclaim Connecticut<sup>11</sup>—both organizations that appear to target the “Environmentalism Left... and exposing their extreme rhetoric and agenda.”<sup>12</sup> Yet, while the staff of Definers have a partisan reputation and history of campaign work for Republican causes, I see no evidence that Definers has any prior experience in providing “news analysis and brief service focusing on EPA work and other topics of interest to EPA”, as required by the contract.

The only EPA-related experience I could uncover by Definers staff is the reported “witch hunt against EPA employees” alleged to have expressed concerns about the agency or its leadership. According to *The New York Times*, a Senior Vice President of Definers, Allan Blutstein, has made several Freedom of Information Act (FOIA) requests targeting individual EPA employees who, Mr. Blutstein alleges, have raised concerns about the ability of the agency to meet its statutory missions of protection of human health and the environment. In only a cursory look at *FOIAonline*, in calendar year 2017, Mr. Blutstein made 25 FOIA requests of EPA on behalf of America Rising—20 of which specifically target the individual emails of EPA staff to various news organizations or Congressional offices. While the specific intentions of Mr. Blutstein are not known, the fact that you were willing to hire a company that would personally and publically target your employees for potential harassment portends a type of personnel management taken right out of George Orwell’s *1984*.

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<sup>7</sup> Kevin Bogardus, *Agency signs Republican PR firm to \$120K contract*, Greenwire (Dec. 15, 2017), <https://www.eenews.net/greenwire/2017/12/15/stories/1060069191>.

<sup>8</sup> See *id.*

<sup>9</sup> Cf. <https://www.linkedin.com/in/jahan-wilcox-ab55477/> with <https://www.linkedin.com/in/joe-pounder-5b5b66b/> and <https://www.linkedin.com/in/mike-chenderlin-319a90106/>.

<sup>10</sup> See <https://americarisingpac.org/>.

<sup>11</sup> See <https://reclaimct.com/about-us/>.

<sup>12</sup> See <http://arsquared.org/energy/>.

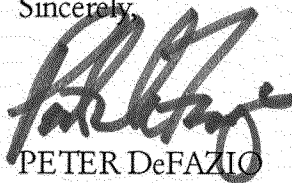
To exercise our Congressional oversight responsibilities, I request additional information related to the awarding of the Contract to Definers. Specifically, I request you provide my office on the Committee on Transportation and Infrastructure with the following information:

1. A copy of the initial public solicitation or notice related to the “news analysis and brief service” work put out for bid, including evidence on the manner in which this solicitation or notice was made publicly available and a timeline on the contract solicitation period;
2. A description of the internal EPA process utilized to publicly notice and solicit offers for this work and to identify and award the contract for this work, including the identity of EPA staff (including political staff) that participated in this process;
3. A copy of all formal contract responses or other indications of interest to this solicitation or notice from prospective companies seeking to bid on this work;
4. A copy of all internal EPA emails, EPA communications, or other deliberative materials related to Definers, current Definers staff, or the Contract;
5. A description of the prior experience of Definers in providing “news analysis and brief service focusing on EPA work and other topics of interest to EPA”, as required by the Contract;
6. A copy of the final Contract with Definers; and
7. A copy of the contract between EPA and any company that provided similar media monitoring services to the agency *immediately prior* to the awarding of the Contract with Definers (press reports indicate that this contract was with a company called Bulletin Intelligence, LLC).

If you have any questions regarding this request, please have your staff contact the Democratic Staff of the Subcommittee on Water Resources and Environment at (202) 225-0060.

Thank you for your prompt attention to this matter.

Sincerely,



PETER DeFAZIO  
Ranking Member

# United States Senate

WASHINGTON, DC 20510

December 19, 2017

The Honorable Scott Pruitt  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, D.C. 20460

Dear Administrator Pruitt:

We are writing you to express our concerns about the decision by the Environmental Protection Agency (EPA) to award a \$120,000 no-bid contract for “news analysis” to Definers Public Affairs, as reported this week by *Mother Jones*<sup>1</sup> and the *New York Times*.<sup>2</sup> EPA’s contract with Definers risks further politicizing the agency and is another instance of EPA under your tenure becoming captured by the industry it regulates.<sup>3</sup> At a minimum, it presents an appearance of impropriety to which you as Administrator should never be a party. For the reasons that follow, you should terminate this contract immediately.

Definers shares an address and staff with America Rising, a political action committee (PAC) that has been described as the “unofficial research arm of the Republican party.”<sup>4</sup> America Rising has branded itself as an organization on the right founded “for the sole purpose of exposing the truth about Democrats through video tracking, research, and communications.”<sup>5</sup> The group spends its time attacking Democrats, progressives, and environmentalists and lists Definers as one of its largest vendors.<sup>6</sup> America Rising also operates the 501(c)(4) organization America Rising Squared, a dark money organization whose contributors are anonymous. The leadership teams of America Rising and Definers share numerous individuals. For example, Definers’ founder, Matt Rhoades, also founded America Rising.<sup>7</sup> Definers’ president, Joe Pounder, is also the president of America Rising.<sup>8</sup> Definers’ Senior Vice President, Brian Rogers, is also the executive director of America Rising Squared.<sup>9</sup> These organizations may

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<sup>1</sup> “The EPA Hired a Major Republican Opposition Research Firm to Track Press Activity,” *Mother Jones*, <http://www.motherjones.com/politics/2017/12/the-epa-hired-a-major-republican-opposition-research-firm-to-track-press-activity/>

<sup>2</sup> “E.P.A. Contractor Has Spent Past Year Scouring the Agency for Anti-Trump Officials,” *The New York Times*, <https://www.nytimes.com/2017/12/15/us/politics/epa-scott-pruitt-foia.html>

<sup>3</sup> “How Rollbacks at Scott Pruitt’s E.P.A. Are a Boon to Oil and Gas,” *The New York Times*, <https://www.nytimes.com/2017/05/20/business/energy-environment/devon-energy.html>; “Under Trump, E.P.A. Has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers,” *The New York Times*, <https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html>

<sup>4</sup> “Political Operatives Find Demand for Their Skills in Business World,” *The Wall Street Journal*, <https://www.wsj.com/articles/political-operatives-find-demand-for-their-skills-in-business-world-1462136874>

<sup>5</sup> America Rising, <https://americarisingpac.org/about-us/>

<sup>6</sup> America Rising PAC Expenditures (2018), Open Secrets.org, <https://www.opensecrets.org/pacs/expenditures.php?cmte=C00542902&cycle=2018>

<sup>7</sup> Matt Rhoades, Definers, <https://www.definersdc.com/matt-rhoades>

<sup>8</sup> Joe Pounder, Definers, <https://www.definersdc.com/joe-pounder>

<sup>9</sup> Brian Rogers, Definers, <https://www.definersdc.com/brian-rogers>

have different corporate forms, but we should all be clear that they are merely different parts of the same multi-faceted partisan operation. Any claim they are distinct is a sham.

What's more, America Rising and Definers receive significant funds from interests in the energy sector as well as other industries you regulate as EPA Administrator. While this cabal of Republican opposition research and electioneering organizations can raise much of its money anonymously so that the identities of many of its donors are unknown to the public, press reports about Definers' work and Federal Election Commission (FEC) disclosures from the America Rising PAC make it abundantly clear that companies you regulate are driving much of its work. Definers was hired by fossil fuel interests to work on opposing a local ballot initiative in Colorado that would have placed conditions on oil and gas drilling.<sup>10</sup> America Rising has received sizeable donations from several companies and individuals affiliated with the energy industry, including Hilcorp Energy, L.E. Simmons of SCF Partners, and Jonathon Barrett of Luminus Management LLC. It has also received donations from companies and individuals in other industries regulated by EPA, including Susan Groff of Northwest Excavating, William Kunkler of CC Industries (manufacturing), George Daniels of Daniels Manufacturing, and Jerry Langer of Langer Transport.<sup>11</sup>

Many of these same corporate interests vocally supported your nomination and confirmation as EPA Administrator. America Rising even ran a campaign in support of your confirmation as EPA Administrator which included ads urging senators to vote for your confirmation and the website, [www.ConfirmPruitt.com](http://www.ConfirmPruitt.com).<sup>12</sup> At your confirmation hearing, Senator Whitehouse asked you the following question for the record, which has renewed relevance in light of recent events:

Q 138. Please provide any correspondence or details about other communication between you or anyone working on your behalf concerning the establishment or activities of America Rising, America Rising Squared, and Protecting America Now, and any other organizations that are funding efforts to get you confirmed as EPA Administrator.

A. I am not aware of any such correspondence.

Your response was dubious then, and is even more dubious now.

The America Rising-Definers network has been no less active on your behalf following your confirmation than it was before, even putting aside this recent contract. The aforementioned Joe Pounder, president of Definers *and* America Rising, wears yet another hat in this constellation of interconnected partisan groups: he runs a website called the Need to Know Network (NTK) that has provided favorable coverage of your tenure at EPA.<sup>13</sup> EPA's official Twitter account has even on several occasions tweeted NTK's coverage of your work at EPA.

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<sup>10</sup> "FRACTURED: Undermining Broomfield," *The Colorado Independent*, <http://www.coloradoindependent.com/167431/fractured-undermining-broomfield>

<sup>11</sup> America Rising PAC Contributors (2016), Open Secrets.org, <https://www.opensecrets.org/pacs/pacgave2.php?cmte=C00542902&cycle=2016>

<sup>12</sup> "Conservatives target red-state Democrats to speed Trump's nominations," *Politico*, <https://www.politico.com/story/2016/12/trump-nominations-red-state-democrats-232890>

<sup>13</sup> "Scott Pruitt's media echo chamber," *Grist*, <http://grist.org/article/scott-pruitts-media-echo-chamber/>

As if all this weren't enough, Definers has filed several Freedom of Information Act (FOIA) requests with EPA relating to work EPA was doing under the previous administration with respect to the treatment of wood.<sup>14</sup> It would appear that Definers is working for a corporate client that has business before EPA relating to this matter. America Rising has also filed several FOIA requests with EPA.<sup>15</sup> These requests were filed by the same person who filed the FOIA requests for Definers; this person works at both Definers and America Rising.<sup>16</sup> America Rising's FOIA requests seek to obtain emails from specific EPA employees and/or correspondence between specific EPA employees and various media outlets as well as the staffs of Senators Sheldon Whitehouse, Tom Carper, Elizabeth Warren, and Robert Casey in an apparent effort to uncover "moles" within EPA.

The *New York Times* has recently documented how EPA enforcement has fallen off significantly during your tenure.<sup>17</sup> Senators Carper and Whitehouse last week raised concerns that you have changed agency policy to give regulated industries an unprecedented seat at the table in negotiations to settle lawsuits where EPA is charged with failing to follow through on its statutory commitments to enforce the Clean Air Act and other environmental laws. Hiring a public relations firm with abundant ties to industries you regulate, which is itself part of a broader network of groups active on behalf of you and fossil fuel interests, suggests that you have handed industry the keys to EPA.

None of this can come as a surprise to you. In 2015, America Rising paid to attend the Republican Attorneys General Association (RAGA) annual summit at which you spoke.<sup>18</sup> You led RAGA for two years, where you worked through RAGA to attack EPA during the Obama administration.

Your representatives have claimed that EPA's contract with Definers is for "media monitoring/newsclip compilation"<sup>19</sup> and that it was retained "at a rate that is \$87,000 cheaper than our previous vendor and they are providing no other services."<sup>20</sup> All of the above information about Definers, its activities, clients, and role within a much larger ecosystem of partisan, industry-funded operations research and electioneering groups casts significant doubt on these statements.

In light of the above and in order to shed light on EPA's decision to award this contract, we are asking that you provide the following documents and responses by Thursday, December 21.

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<sup>14</sup> EPA Pending FOIA Requests, [https://www.epa.gov/sites/production/files/2017-09/documents/all\\_pending\\_report\\_20170831.pdf](https://www.epa.gov/sites/production/files/2017-09/documents/all_pending_report_20170831.pdf)

<sup>15</sup> *Id.*

<sup>16</sup> Allan Blutstein, Definers, <https://www.definersdc.com/allan-blutstein>

<sup>17</sup> "Under Trump, E.P.A. Has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers," *The New York Times*, <https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html>

<sup>18</sup> "To Fight Clean Power Plan, Fossil Fuel Companies Paid for Private Meetings with Republican State Prosecutors," DeSmogBlog, <https://www.desmogblog.com/2016/09/07/fight-clean-power-plan-fossil-fuel-companies-paid-private-meetings-republican-state-prosecutors>

<sup>19</sup> "The EPA Hired a Major Republican Opposition Research Firm to Track Press Activity," *Mother Jones*, <http://www.motherjones.com/politics/2017/12/the-epa-hired-a-major-republican-opposition-research-firm-to-track-press-activity/>

<sup>20</sup> "E.P.A. Contractor Has Spent Past Year Scouring the Agency for Anti-Trump Officials," *The New York Times*, <https://www.nytimes.com/2017/12/15/us/politics/epa-scott-pruitt-foia.html>

1. Provide copies of all documents related to the procurement of services with Definers as well as the contract EPA concluded with Definers for these services.
2. What provision of the Federal Acquisition Regulation (FAR) authorized a no-bid contract for the type of services EPA procured from Definers? According to the contract transaction details posted on the [usaspending.gov](https://www.usaspending.gov) website, the reason not to put this contract out to bid was that there was “only one source – other.”<sup>21</sup> Please explain what this means when in fact there are many firms that offer the services for which EPA contracted with Definers, including the firm that previously did that work.
3. Provide copies of all communications between EPA and Definers, America Rising, America Rising Squared, NTK, and any employees and representatives of these entities since February 17, 2017.
4. Confirm that all communications you or any EPA employee have had with any person in question 3, regardless of the form of communication used, have been retained by EPA and searched in response to this inquiry.
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Michael Mikulka, Lucretia Meyers, Thelma Estrada, Gary Morton, Anthony Tseng, Christopher Grundler, Mike Shapiro, John Reeder, Enesta Jones, Christie St. Clair, Deborah Szaro, Michael Cox, Elizabeth Southerland, and Priscilla Oliver. In an interview with the New York Times, Allan Blutstein, a senior vice president at Definers explained that he sought this information to take aim at “resistance” figures in the federal government and to see if they had done anything useful for Republicans.<sup>23</sup> If any of these individuals have faced adverse personnel actions since February 17, 2017, please explain the nature of the action, the circumstances surrounding the action, and provide any correspondence concerning those individuals between EPA and any person affiliated with the Definers – America Rising – NTK network of affiliated groups.

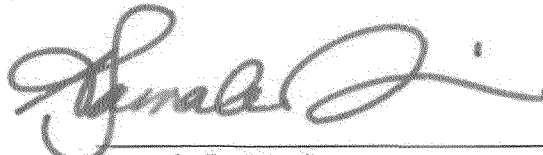
10. Explain how the facts described above – America Rising’s active financial support of your confirmation as well as your earlier political career, NTK’s favorable press coverage of your tenure at EPA, Definer’s working on behalf of regulated entities, regulated entities funding America Rising’s work – do not constitute a series of conflicts of interest. We would be particularly interested to learn why you believe that scientists who are awarded EPA grant money are conflicted while the Definers – America Rising – NTK network is not.

Should you have any questions regarding any of the information we are requesting in this letter, please do not hesitate to contact our staffers, Dan Dudis at [dan\\_dudis@whitehouse.senate.gov](mailto:dan_dudis@whitehouse.senate.gov) and Monica Pham at [monica\\_pham@harris.senate.gov](mailto:monica_pham@harris.senate.gov). We look forward to your response.

Sincerely,



Sheldon Whitehouse  
United States Senator



Kamala D. Harris  
United States Senator

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<sup>23</sup> “E.P.A. Contractor Has Spent Past Year Scouring the Agency for Anti-Trump Officials,” *The New York Times*, <https://www.nytimes.com/2017/12/15/us/politics/epa-scott-pruitt-foia.html>

**To:** Scott, Elaine[Scott.Elaime@epa.gov]  
**From:** Gosnell, Jody  
**Sent:** Wed 1/10/2018 5:57:50 PM  
**Subject:** Read: PROPOSED OAM RESPONSE + DOCUMENTS >> RE: REQUEST FOR YOU IMMEDIATE ACTION Re: Congressional - Oversight request on Definers Inc. contract

Your message

To: Gosnell, Jody  
Subject: RE: PROPOSED OAM RESPONSE + DOCUMENTS >> RE: REQUEST FOR YOU IMMEDIATE ACTION Re: Congressional - Oversight request on Definers Inc. contract  
Sent: Tuesday, January 9, 2018 3:02:38 PM (UTC-05:00) Eastern Time (US & Canada)

was read on Wednesday, January 10, 2018 12:57:28 PM (UTC-05:00) Eastern Time (US & Canada).

**To:** Scott, Elaine[Scott.Elaïne@epa.gov]  
**From:** Wilson, Jessica  
**Sent:** Wed 1/17/2018 8:06:44 PM  
**Subject:** FW: GAO Protest of Definers, Inc.  
FW: B- 415800-2 FW: Bid protest for EPA contract EP18H000025  
FW: B- 415800-1 FW: Bid protest for EPA contract EP18H000025  
FW: B- UNKNOWN FW: Bid protest for EPA contract EP18H000025

*Jessica V. Wilson*  
**Contracting Officer**

**U.S. Environmental Protection Agency**  
**OARM/OAM/HPOD/PCSC**  
Ronald Reagan Building #61178  
1200 Pennsylvania Ave. NW Mail Code: 3803R  
Washington, DC 20460  
Phone: 202-564-2504  
E-mail: [wilson.jessica@epa.gov](mailto:wilson.jessica@epa.gov)

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**From:** Brown, Rayna  
**Sent:** Wednesday, January 17, 2018 2:33 PM  
**To:** Vaughn, Celia <Vaughn.Celia@epa.gov>; Gosnell, Jody <Gosnell.Jody@epa.gov>; Wilson, Jessica <Wilson.Jessica@epa.gov>; Dews, Donna <Dews.Donna@epa.gov>  
**Subject:** GAO Protest of Definers, Inc.

Hello Celia,

As discussed, please find attached the protest documents. Let us know if you have any questions. Take care! \*

Kind regards,

Rayna Brown  
Service Center Manager  
U.S. Environmental Protection Agency (U.S. EPA)  
OAM/HPOD/PCSC  
(202) 564.6025 Office

**To:** Brown, Rayna[brown.rayna@epa.gov]; Stewart, Keith[Stewart.Keith@epa.gov]; Pakula, Kenneth[Pakula.Kenneth@epa.gov]; Legare, Pamela[Legare.Pamela@epa.gov]; Patrick, Kimberly[Patrick.Kimberly@epa.gov]  
**Cc:** Zemel, Avital[Zemel.Avital@epa.gov]; McGraw, Sara[McGraw.Sara@epa.gov]  
**From:** Madison, Tommie  
**Sent:** Tue 12/19/2017 3:44:20 PM  
**Subject:** FW: B- 415800-1 FW: Bid protest for EPA contract EP18H000025  
[Bid protest for EPA contract EP18H000025.pdf](#)

This is the email sent from GAO with the protest number included (B-415800-1). The earlier email was sent before the number was assigned by GAO. Also, you will notice in the protest letter that there are two (2) protesters being represented by Public Citizen....which is the organization that sent the letter in on behalf of both protesters.

GAO sent two emails with two protest numbers (B-415800-1 and B-415800-2), although after I called GAO this morning they told me that one response addressing both protesters names would be sufficient once we respond. I will still send the other email for your records as well.

Thanks,

Tommie L. Madison, Jr.  
U.S. Environmental Protection Agency  
Office of Acquisition Management (OAM)  
Acting Agency Advocate for Competition  
Phone: (202) 564-2556  
MailCode: 3803R

---

**From:** Protests@gao.gov [mailto:Protests@gao.gov]  
**Sent:** Tuesday, December 19, 2017 9:30 AM  
**To:** Madison, Tommie <Madison.Tommie@epa.gov>  
**Subject:** Registered: B- 415800-1 FW: Bid protest for EPA contract EP18H000025

This is a [Registered E-mail](#)<sup>®</sup> message from **Protests**.

---

This is a follow-up Email-- we now have a case-number

B- 415800-1

NOTE-- Protestor Fenton Communications

I am-- Kenneth Webb PLCG

---

**From:** David Arkush [mailto:darkush@citizen.org]  
**Sent:** Monday, December 18, 2017 5:12 PM  
**To:** Protests  
**Subject:** Bid protest for EPA contract EP18H000025

Hello,

Attached to this email is a bid protest for EPA contract EP18H000025.

Thank you.

Sincerely,  
David Arkush

---

**David J. Arkush | Managing Director**  
Public Citizen's Climate Program  
215 Pennsylvania Ave SE, Washington, DC 20003  
**TEL:** 202.454.5132, **CELL:** 202.550.0107

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For more information about the Registered E-mail® service visit <http://www.rpost.com>



215 Pennsylvania Avenue, SE • Washington, D.C. 20003 • 202/546-4996 • [www.citizen.org](http://www.citizen.org)

December 18, 2017

Government Accountability Office  
General Counsel  
Attn.: Procurement Law Control Group  
441 G Street, NW.  
Washington, DC 20548

Sent via email to: [protests@gao.gov](mailto:protests@gao.gov)

To the Government Accountability Office:

I am writing on behalf of Fenton Communications and New Heights Communications to protest Environmental Protection Agency (EPA) contract EP18H000025, awarded on December 7, 2017 to Definers Corp.. This grant was awarded on a no-solicitation basis, even though the services sought are industry standard and could be performed by dozens of firms and organizations, including Fenton Communications and New Heights Communications. We are seeking a finding that the contract was impermissibly awarded on a no-bid basis, and a recommendation that the December 7 contract be rescinded and an open bidding process undertaken.

### **The Protesting Firms**

Fenton Communication is a 35-year old full-service communications agency with offices in Washington, D.C., New York, Los Angeles and San Francisco, with more than 45 staff serving a diverse array of clients. Among the many services Fenton provides, it routinely collects news clips and provides analysis of media coverage of its clients. Fenton has performed government contracts in the past, but does not currently. Fenton provides the services covered by EPA contract EP18H000025, so far as it can be determined what the contract involves, would have offered a bid if it had been solicited, and would bid for the contract if an open-bid process were to be held. Fenton Communications is an interested party for the purpose of filing a protest to contract EP18H000025.

New Heights Communications is a communications agency based in Washington, D.C. Among the many services New Heights Communications provides, it routinely collects news clips and provides analysis of media coverage of its clients. New Heights Communications has previously performed as a government subcontractor. New Heights Communications provides the services covered by EPA contract EP18H000025, so far as it can be determined what the contract involves, would have offered a bid if it had been solicited, and would bid for the contract if an open-bid process were to be held. New Heights Communications is an interested party for the purpose of filing a protest to contract EP18H000025.

## Basis for Protest

On December 7, 2017, the EPA awarded contract EP18H000025 to Definers Corp. for \$125,000.<sup>1</sup> The contract description states the contract is awarded for: “NEWS ANALYSIS AND BRIEF SERVICE FOCUSING ON EPA WORK AND OTHER TOPICS OF INTEREST TO EPA.”<sup>2</sup> The contract was not competed.<sup>3</sup> EPA noticed on November 29 that it planned to issue the contract on a sole-source basis with a similarly obscure contract synopsis that did not plainly describe the services sought: “Sole Source Notification for News analysis and brief service focusing on EPA work and other topics of interest to EPA.”<sup>4</sup>

News reports<sup>5</sup> indicate the contract is a successor contract to EP16H000137, a \$207,597 contract awarded on February 25, 2016 to Bulletin Intelligence, Inc.<sup>6</sup>

EPA spokesperson Nancy Grantham told Mother Jones, “The Definers contract is for media monitoring/newsclip compilation.” Another EPA spokesperson, Jahan Wilcox, told the New York Times, “Definers was awarded the contract to do our press clips at a rate that is \$87,000 cheaper than our previous vendor and they are providing no other services.”

The 2016 contract was competitively bid, in a simplified process involving eight bidders.<sup>7</sup> The statement of work for the contract describes a news clipping and compilation service to provide a daily briefing to EPA: a “daily news briefing which will summarize, interpret, and electronically disseminate print and broadcast news related to EPA interests.” The statement of work requires that the contractor be familiar with EPA’s mission, be able to access a broad range of media sources, and synthesize news clips into multiple daily briefings.<sup>8</sup> These are standard services for communications companies, and do not require any particular specialized or proprietary skills or technologies, as evidenced by the multiple bidders for the 2016 contract.

Federal law establishes that full and open competition is the standard means for contracting.<sup>9</sup> There are exceptions to the strong presumption of competitive bidding. These include instances where this is “only one responsible source and no other supplies or services will satisfy agency

---

<sup>1</sup> <https://www.usaspending.gov/Transparency/Pages/AwardSummary.aspx?AwardID=59978626>

<sup>2</sup> <https://www.usaspending.gov/transparency/Pages/TransactionDetails.aspx?RecordID=53D2AF0E-B566-47BB-8EB4-728DAC00CEB7&AwardID=59978626&AwardType=C>

<sup>3</sup> <https://www.usaspending.gov/transparency/Pages/TransactionDetails.aspx?RecordID=53D2AF0E-B566-47BB-8EB4-728DAC00CEB7&AwardID=59978626&AwardType=C>

<sup>4</sup> <https://www.fbo.gov/index?s=opportunity&mode=form&id=479f24101a13dd3ab53e37f06c231a4f&tab=core&tabmode=list&=>

<sup>5</sup> See <http://www.motherjones.com/politics/2017/12/the-epa-hired-a-major-republican-opposition-research-firm-to-track-press-activity/> and <https://www.nytimes.com/2017/12/15/us/politics/epa-scott-pruitt-foia.html>

<sup>6</sup> <https://www.usaspending.gov/Transparency/Pages/AwardSummary.aspx?AwardID=49688963>

<sup>7</sup> <https://www.usaspending.gov/transparency/Pages/TransactionDetails.aspx?RecordID=3B728BF9-DC6E-45F1-BF65-BA5E42ACFE4C&AwardID=49688963&AwardType=C>

<sup>8</sup> Statement of Work, Daily News Briefing, U.S. Environmental Protection Agency, available at: [https://www.fedconnect.net/FedConnect/PublicPages/PublicSearch/Public\\_Opportunities.aspx](https://www.fedconnect.net/FedConnect/PublicPages/PublicSearch/Public_Opportunities.aspx).

<sup>9</sup> 41 USC 3301(a)(1) (“[A]n executive agency in conducting a procurement for property or services shall— (1) obtain full and open competition through the use of competitive procedures in accordance with the requirements of this division and the Federal Acquisition Regulation”).

requirements,” where there is an urgent condition, where there is a public interest rationale, or in national security and other grounds that are not relevant here.<sup>10</sup>

In the case of simplified acquisition procedures, for smaller-sized contracts, the law requires agencies to “promote competition to the maximum extent practicable.”<sup>11</sup> If a formal notice of contracting opportunity is not afforded, agencies are encouraged to “consider solicitation of at least three sources to promote competition to the maximum extent practicable.”<sup>12</sup> In determining whether to solicit competition, the contracting officers shall take into account a number of factors, including whether the service to be obtained is highly competitive, the urgency and dollar value of the contract, and past experience.<sup>13</sup> Sole-source solicitation is permitted where only one vendor is reasonably available, following the same general guidelines as regular contracting (e.g., urgency) or there is reason to use a sole-sourced brand-name product.<sup>14</sup>

All of these factors point to a single conclusion: Contract EP18H000025 should have been open to competitive bidding, or at minimum should have been awarded only after solicitation of at least three sources. The competition information provided at USASpending.gov states that the rationale for sole sourcing is that only one source is available.<sup>15</sup> This is plainly implausible. The desired service – assuming per media reports that it involves news clippings and is comparable to the predecessor contract – is highly competitive and there are many responsible sources that could provide the service. These include Fenton Communications, New Heights Communications, presumably the eight bidders for the predecessor contract, and literally dozens of other firms. It also would be unreasonable to assert urgent conditions necessitating sole-source contracting; the need for news clips is not a new development for EPA and indeed the agency had previously contracting for similar services. The only conceivable urgency is expiration of the prior contract. But if that contract was not extended, it should have expired nine months prior. At any point during that time or prior to expiration, the agency could have rebid the contract; and in general, agencies may not create urgent conditions by dint of failure to plan properly. Moreover, if the agency had gone approximately nine months without provision of the service, that suggests a lack of urgency and that EPA could have delayed weeks more for a properly bid contract. Past experience also counsels for competitive bidding: the predecessor contract was successfully bid competitively.

In light of the known facts, there is no public interest in a sole-source contract; in fact, this appears to a prototypical example of the need for competitive bidding. The agency is seeking a service that can be easily provided by dozens of firms; and the award of the contract on a sole-source basis suggests or at minimum creates the appearance that the public interest in competitive bidding is being thwarted and a contract allocated improperly to a politically connected firm.

---

<sup>10</sup> Federal Acquisition Regulation 6.302.

<sup>11</sup> 41 USC 3305(d).

<sup>12</sup> Federal Acquisition Regulation 13.104.

<sup>13</sup> Federal Acquisition Regulation 13.106-1(a).

<sup>14</sup> Federal Acquisition Regulation 13.106-1(b).

<sup>15</sup> <https://www.usaspending.gov/transparency/Pages/TransactionDetails.aspx?RecordID=53D2AF0E-B566-47BB-8EB4-728DAC00CEB7&AwardID=59978626&AwardType=C>

## **Requested Action**

In light of the above, Fenton Communications and New Heights Communications request action by the Comptroller of the United States. The firms request that the contract EP18H000025 be rescinded and that a competitive tender be issued.

This bid protest is timely filed. The contract was awarded on December 7, 2017. Ten days later falls on Sunday, December 17; and so a filing on the next business day, December 18, is timely. Fenton Communications and New Heights Communications first learned of the contract through a news report in Mother Jones published on December 15.

Fenton Communications and New Heights Communications further request the following documents be provided to them:

- Written justification for the sole-source award, if any.
- Materials related to EPA's planning for this procurement, in advance of the November 29 sole-source announcement.
- Communications with contractor Definers Corp. in advance of the sole-source award.

These materials will help establish the grounds, or lack of grounds, for issuing the contract on a sole source basis.

Sincerely,



David J. Arkush, DC Bar No. 490385  
Managing Director, Climate Program  
PUBLIC CITIZEN  
215 Pennsylvania Ave, 3rd Floor  
Washington DC, 20003  
(202) 454-5132  
[darkush@citizen.org](mailto:darkush@citizen.org)

**To:** Brown, Rayna[brown.rayna@epa.gov]; Stewart, Keith[Stewart.Keith@epa.gov]; Pakula, Kenneth[Pakula.Kenneth@epa.gov]; Legare, Pamela[Legare.Pamela@epa.gov]; Patrick, Kimberly[Patrick.Kimberly@epa.gov]  
**Cc:** Zemel, Avital[Zemel.Avital@epa.gov]; McGraw, Sara[McGraw.Sara@epa.gov]  
**From:** Madison, Tommie  
**Sent:** Tue 12/19/2017 3:45:32 PM  
**Subject:** FW: B- 415800-2 FW: Bid protest for EPA contract EP18H000025  
[Bid protest for EPA contract EP18H000025.pdf](#)

Second email – Protest #B-415800-2

Tommie L. Madison, Jr.  
U.S. Environmental Protection Agency  
Office of Acquisition Management (OAM)  
Acting Agency Advocate for Competition  
Phone: (202) 564-2556  
MailCode: 3803R

---

**From:** Protests@gao.gov [mailto:Protests@gao.gov]  
**Sent:** Tuesday, December 19, 2017 9:51 AM  
**To:** Madison, Tommie <Madison.Tommie@epa.gov>  
**Subject:** Registered: B- 415800-2 FW: Bid protest for EPA contract EP18H000025

This is a [Registered E-mail](#)<sup>®</sup> message from **Protests**.

---

This is a follow-up Email-- we now have a case-number

B- 415800-2

NOTE-- Protestor New Heights Communications

I am-- Kenneth Webb PLCG

---

**From:** David Arkush [mailto:darkush@citizen.org]  
**Sent:** Monday, December 18, 2017 5:12 PM  
**To:** Protests  
**Subject:** Bid protest for EPA contract EP18H000025

Hello,

Attached to this email is a bid protest for EPA contract EP18H000025.

Thank you.

Sincerely,  
David Arkush

---

David J. Arkush | Managing Director

Public Citizen's Climate Program  
215 Pennsylvania Ave SE, Washington, DC 20003  
**TEL:** 202.454.5132, **CELL:** 202.550.0107

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215 Pennsylvania Avenue, SE • Washington, D.C. 20003 • 202/546-4996 • [www.citizen.org](http://www.citizen.org)

December 18, 2017

Government Accountability Office  
General Counsel  
Attn.: Procurement Law Control Group  
441 G Street, NW.  
Washington, DC 20548

Sent via email to: [protests@gao.gov](mailto:protests@gao.gov)

To the Government Accountability Office:

I am writing on behalf of Fenton Communications and New Heights Communications to protest Environmental Protection Agency (EPA) contract EP18H000025, awarded on December 7, 2017 to Definers Corp.. This grant was awarded on a no-solicitation basis, even though the services sought are industry standard and could be performed by dozens of firms and organizations, including Fenton Communications and New Heights Communications. We are seeking a finding that the contract was impermissibly awarded on a no-bid basis, and a recommendation that the December 7 contract be rescinded and an open bidding process undertaken.

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New Heights Communications is a communications agency based in Washington, D.C. Among the many services New Heights Communications provides, it routinely collects news clips and provides analysis of media coverage of its clients. New Heights Communications has previously performed as a government subcontractor. New Heights Communications provides the services covered by EPA contract EP18H000025, so far as it can be determined what the contract involves, would have offered a bid if it had been solicited, and would bid for the contract if an open-bid process were to be held. New Heights Communications is an interested party for the purpose of filing a protest to contract EP18H000025.

## Basis for Protest

On December 7, 2017, the EPA awarded contract EP18H000025 to Definers Corp. for \$125,000.<sup>1</sup> The contract description states the contract is awarded for: “NEWS ANALYSIS AND BRIEF SERVICE FOCUSING ON EPA WORK AND OTHER TOPICS OF INTEREST TO EPA.”<sup>2</sup> The contract was not competed.<sup>3</sup> EPA noticed on November 29 that it planned to issue the contract on a sole-source basis with a similarly obscure contract synopsis that did not plainly describe the services sought: “Sole Source Notification for News analysis and brief service focusing on EPA work and other topics of interest to EPA.”<sup>4</sup>

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---

<sup>1</sup> <https://www.usaspending.gov/Transparency/Pages/AwardSummary.aspx?AwardID=59978626>

<sup>2</sup> <https://www.usaspending.gov/transparency/Pages/TransactionDetails.aspx?RecordID=53D2AF0E-B566-47BB-8EB4-728DAC00CEB7&AwardID=59978626&AwardType=C>

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<sup>4</sup> <https://www.fbo.gov/index?s=opportunity&mode=form&id=479f24101a13dd3ab53e37f06c231a4f&tab=core&tabmode=list&=>

<sup>5</sup> See <http://www.motherjones.com/politics/2017/12/the-epa-hired-a-major-republican-opposition-research-firm-to-track-press-activity/> and <https://www.nytimes.com/2017/12/15/us/politics/epa-scott-pruitt-foia.html>

<sup>6</sup> <https://www.usaspending.gov/Transparency/Pages/AwardSummary.aspx?AwardID=49688963>

<sup>7</sup> <https://www.usaspending.gov/transparency/Pages/TransactionDetails.aspx?RecordID=3B728BF9-DC6E-45F1-BF65-BA5E42ACFE4C&AwardID=49688963&AwardType=C>

<sup>8</sup> Statement of Work, Daily News Briefing, U.S. Environmental Protection Agency, available at: [https://www.fedconnect.net/FedConnect/PublicPages/PublicSearch/Public\\_Opportunities.aspx](https://www.fedconnect.net/FedConnect/PublicPages/PublicSearch/Public_Opportunities.aspx).

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---

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<sup>11</sup> 41 USC 3305(d).

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<sup>13</sup> Federal Acquisition Regulation 13.106-1(a).

<sup>14</sup> Federal Acquisition Regulation 13.106-1(b).

<sup>15</sup> <https://www.usaspending.gov/transparency/Pages/TransactionDetails.aspx?RecordID=53D2AF0E-B566-47BB-8EB4-728DAC00CEB7&AwardID=59978626&AwardType=C>

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These materials will help establish the grounds, or lack of grounds, for issuing the contract on a sole source basis.

Sincerely,



David J. Arkush, DC Bar No. 490385  
Managing Director, Climate Program  
PUBLIC CITIZEN  
215 Pennsylvania Ave, 3rd Floor  
Washington DC, 20003  
(202) 454-5132  
[darkush@citizen.org](mailto:darkush@citizen.org)

**To:** Brown, Rayna[brown.rayna@epa.gov]; Stewart, Keith[Stewart.Keith@epa.gov]; Pakula, Kenneth[Pakula.Kenneth@epa.gov]  
**From:** Madison, Tommie  
**Sent:** Tue 12/19/2017 1:51:56 PM  
**Subject:** FW: B- UNKNOWN FW: Bid protest for EPA contract EP18H000025  
[Bid protest for EPA contract EP18H000025.pdf](#)

Tommie L. Madison, Jr.  
U.S. Environmental Protection Agency  
Office of Acquisition Management (OAM)  
Acting Agency Advocate for Competition  
Phone: (202) 564-2556  
MailCode: 3803R

---

**From:** Protests@gao.gov [mailto:Protests@gao.gov]  
**Sent:** Monday, December 18, 2017 5:24 PM  
**To:** Madison, Tommie <Madison.Tommie@epa.gov>  
**Subject:** Registered: B- UNKNOWN FW: Bid protest for EPA contract EP18H000025

This is a [Registered E-mail](#)<sup>®</sup> message from **Protests**.

---

Please note the enclosed Bid Protest-- B- UNKNOWN

Filed-- 18 DEC 2018 for 5:15pm

Agency Report Due Date-- 17 Jan 2018  
Case Decision Due Date-- 28 Mar 2018

I am-- Kenneth Webb PLCG

---

**From:** David Arkush [mailto:darkush@citizen.org]  
**Sent:** Monday, December 18, 2017 5:12 PM  
**To:** Protests  
**Subject:** Bid protest for EPA contract EP18H000025

Hello,

Attached to this email is a bid protest for EPA contract EP18H000025.

Thank you.

Sincerely,  
David Arkush

---

**David J. Arkush | Managing Director**  
Public Citizen's Climate Program  
215 Pennsylvania Ave SE, Washington, DC 20003

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215 Pennsylvania Avenue, SE • Washington, D.C. 20003 • 202/546-4996 • [www.citizen.org](http://www.citizen.org)

December 18, 2017

Government Accountability Office  
General Counsel  
Attn.: Procurement Law Control Group  
441 G Street, NW.  
Washington, DC 20548

Sent via email to: [protests@gao.gov](mailto:protests@gao.gov)

To the Government Accountability Office:

I am writing on behalf of Fenton Communications and New Heights Communications to protest Environmental Protection Agency (EPA) contract EP18H000025, awarded on December 7, 2017 to Definers Corp.. This grant was awarded on a no-solicitation basis, even though the services sought are industry standard and could be performed by dozens of firms and organizations, including Fenton Communications and New Heights Communications. We are seeking a finding that the contract was impermissibly awarded on a no-bid basis, and a recommendation that the December 7 contract be rescinded and an open bidding process undertaken.

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## Basis for Protest

On December 7, 2017, the EPA awarded contract EP18H000025 to Definers Corp. for \$125,000.<sup>1</sup> The contract description states the contract is awarded for: “NEWS ANALYSIS AND BRIEF SERVICE FOCUSING ON EPA WORK AND OTHER TOPICS OF INTEREST TO EPA.”<sup>2</sup> The contract was not competed.<sup>3</sup> EPA noticed on November 29 that it planned to issue the contract on a sole-source basis with a similarly obscure contract synopsis that did not plainly describe the services sought: “Sole Source Notification for News analysis and brief service focusing on EPA work and other topics of interest to EPA.”<sup>4</sup>

News reports<sup>5</sup> indicate the contract is a successor contract to EP16H000137, a \$207,597 contract awarded on February 25, 2016 to Bulletin Intelligence, Inc.<sup>6</sup>

EPA spokesperson Nancy Grantham told Mother Jones, “The Definers contract is for media monitoring/newsclip compilation.” Another EPA spokesperson, Jahan Wilcox, told the New York Times, “Definers was awarded the contract to do our press clips at a rate that is \$87,000 cheaper than our previous vendor and they are providing no other services.”

The 2016 contract was competitively bid, in a simplified process involving eight bidders.<sup>7</sup> The statement of work for the contract describes a news clipping and compilation service to provide a daily briefing to EPA: a “daily news briefing which will summarize, interpret, and electronically disseminate print and broadcast news related to EPA interests.” The statement of work requires that the contractor be familiar with EPA’s mission, be able to access a broad range of media sources, and synthesize news clips into multiple daily briefings.<sup>8</sup> These are standard services for communications companies, and do not require any particular specialized or proprietary skills or technologies, as evidenced by the multiple bidders for the 2016 contract.

Federal law establishes that full and open competition is the standard means for contracting.<sup>9</sup> There are exceptions to the strong presumption of competitive bidding. These include instances where this is “only one responsible source and no other supplies or services will satisfy agency

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<sup>1</sup> <https://www.usaspending.gov/Transparency/Pages/AwardSummary.aspx?AwardID=59978626>

<sup>2</sup> <https://www.usaspending.gov/transparency/Pages/TransactionDetails.aspx?RecordID=53D2AF0E-B566-47BB-8EB4-728DAC00CEB7&AwardID=59978626&AwardType=C>

<sup>3</sup> <https://www.usaspending.gov/transparency/Pages/TransactionDetails.aspx?RecordID=53D2AF0E-B566-47BB-8EB4-728DAC00CEB7&AwardID=59978626&AwardType=C>

<sup>4</sup> <https://www.fbo.gov/index?s=opportunity&mode=form&id=479f24101a13dd3ab53e37f06c231a4f&tab=core&tabmode=list&=>

<sup>5</sup> See <http://www.motherjones.com/politics/2017/12/the-epa-hired-a-major-republican-opposition-research-firm-to-track-press-activity/> and <https://www.nytimes.com/2017/12/15/us/politics/epa-scott-pruitt-foia.html>

<sup>6</sup> <https://www.usaspending.gov/Transparency/Pages/AwardSummary.aspx?AwardID=49688963>

<sup>7</sup> <https://www.usaspending.gov/transparency/Pages/TransactionDetails.aspx?RecordID=3B728BF9-DC6E-45F1-BF65-BA5E42ACFE4C&AwardID=49688963&AwardType=C>

<sup>8</sup> Statement of Work, Daily News Briefing, U.S. Environmental Protection Agency, available at: [https://www.fedconnect.net/FedConnect/PublicPages/PublicSearch/Public\\_Opportunities.aspx](https://www.fedconnect.net/FedConnect/PublicPages/PublicSearch/Public_Opportunities.aspx).

<sup>9</sup> 41 USC 3301(a)(1) (“[A]n executive agency in conducting a procurement for property or services shall— (1) obtain full and open competition through the use of competitive procedures in accordance with the requirements of this division and the Federal Acquisition Regulation”).

requirements,” where there is an urgent condition, where there is a public interest rationale, or in national security and other grounds that are not relevant here.<sup>10</sup>

In the case of simplified acquisition procedures, for smaller-sized contracts, the law requires agencies to “promote competition to the maximum extent practicable.”<sup>11</sup> If a formal notice of contracting opportunity is not afforded, agencies are encouraged to “consider solicitation of at least three sources to promote competition to the maximum extent practicable.”<sup>12</sup> In determining whether to solicit competition, the contracting officers shall take into account a number of factors, including whether the service to be obtained is highly competitive, the urgency and dollar value of the contract, and past experience.<sup>13</sup> Sole-source solicitation is permitted where only one vendor is reasonably available, following the same general guidelines as regular contracting (e.g., urgency) or there is reason to use a sole-sourced brand-name product.<sup>14</sup>

All of these factors point to a single conclusion: Contract EP18H000025 should have been open to competitive bidding, or at minimum should have been awarded only after solicitation of at least three sources. The competition information provided at USASpending.gov states that the rationale for sole sourcing is that only one source is available.<sup>15</sup> This is plainly implausible. The desired service – assuming per media reports that it involves news clippings and is comparable to the predecessor contract – is highly competitive and there are many responsible sources that could provide the service. These include Fenton Communications, New Heights Communications, presumably the eight bidders for the predecessor contract, and literally dozens of other firms. It also would be unreasonable to assert urgent conditions necessitating sole-source contracting; the need for news clips is not a new development for EPA and indeed the agency had previously contracting for similar services. The only conceivable urgency is expiration of the prior contract. But if that contract was not extended, it should have expired nine months prior. At any point during that time or prior to expiration, the agency could have rebid the contract; and in general, agencies may not create urgent conditions by dint of failure to plan properly. Moreover, if the agency had gone approximately nine months without provision of the service, that suggests a lack of urgency and that EPA could have delayed weeks more for a properly bid contract. Past experience also counsels for competitive bidding: the predecessor contract was successfully bid competitively.

In light of the known facts, there is no public interest in a sole-source contract; in fact, this appears to a prototypical example of the need for competitive bidding. The agency is seeking a service that can be easily provided by dozens of firms; and the award of the contract on a sole-source basis suggests or at minimum creates the appearance that the public interest in competitive bidding is being thwarted and a contract allocated improperly to a politically connected firm.

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<sup>10</sup> Federal Acquisition Regulation 6.302.

<sup>11</sup> 41 USC 3305(d).

<sup>12</sup> Federal Acquisition Regulation 13.104.

<sup>13</sup> Federal Acquisition Regulation 13.106-1(a).

<sup>14</sup> Federal Acquisition Regulation 13.106-1(b).

<sup>15</sup> <https://www.usaspending.gov/transparency/Pages/TransactionDetails.aspx?RecordID=53D2AF0E-B566-47BB-8EB4-728DAC00CEB7&AwardID=59978626&AwardType=C>

## **Requested Action**

In light of the above, Fenton Communications and New Heights Communications request action by the Comptroller of the United States. The firms request that the contract EP18H000025 be rescinded and that a competitive tender be issued.

This bid protest is timely filed. The contract was awarded on December 7, 2017. Ten days later falls on Sunday, December 17; and so a filing on the next business day, December 18, is timely. Fenton Communications and New Heights Communications first learned of the contract through a news report in Mother Jones published on December 15.

Fenton Communications and New Heights Communications further request the following documents be provided to them:

- Written justification for the sole-source award, if any.
- Materials related to EPA's planning for this procurement, in advance of the November 29 sole-source announcement.
- Communications with contractor Definers Corp. in advance of the sole-source award.

These materials will help establish the grounds, or lack of grounds, for issuing the contract on a sole source basis.

Sincerely,



David J. Arkush, DC Bar No. 490385  
Managing Director, Climate Program  
PUBLIC CITIZEN  
215 Pennsylvania Ave, 3rd Floor  
Washington DC, 20003  
(202) 454-5132  
[darkush@citizen.org](mailto:darkush@citizen.org)

**To:** Scott, Elaine[Scott.Elaïne@epa.gov]  
**From:** Stewart, Keith  
**Sent:** Tue 12/19/2017 6:32:48 PM  
**Subject:** RE: Definers Corp

We have officially cancelled the requirement.

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**From:** Scott, Elaine  
**Sent:** Tuesday, December 19, 2017 1:22 PM  
**To:** Stewart, Keith <Stewart.Keith@epa.gov>  
**Subject:** RE: Definers Corp

Ben Kessler from Meltwater just called me and wanted to ask me if there was a chance for his company to be able to submit a capability statement. I just told him that I could not answer any questions as it relates to this and that he should continue to monitor FedConnect and FedBizOps. He said that he had been and that he saw nothing. I replied, that’s all I can provide you at this time.

End of conversation.

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**From:** Stewart, Keith  
**Sent:** Tuesday, December 19, 2017 1:08 PM  
**To:** Scott, Elaine <Scott.Elaïne@epa.gov>  
**Subject:** FW: Definers Corp  
**Importance:** High

See Below

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**From:** Wilson, Jessica  
**Sent:** Tuesday, December 19, 2017 10:04 AM  
**To:** Stewart, Keith <Stewart.Keith@epa.gov>; Brown, Rayna <brown.rayna@epa.gov>  
**Cc:** Gosnell, Jody <Gosnell.Jody@epa.gov>; Dews, Donna <Dews.Donna@epa.gov>  
**Subject:** Definers Corp  
**Importance:** High

Rayan & Keith I wanted to forward this information on to you. I will not respond to this inquiry.

Kind Regards,

*Jessica V. Wilson*  
**Contracting Officer**

**U.S. Environmental Protection Agency**  
**OARM/OAM/HPOD/PCSC**  
Ronald Reagan Building #61178  
1200 Pennsylvania Ave. NW Mail Code: 3803R  
Washington, DC 20460  
Phone: 202-564-2504  
E-mail: [wilson.jessica@epa.gov](mailto:wilson.jessica@epa.gov)

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**From:** Russ Choma [<mailto:rchoma@motherjones.com>]  
**Sent:** Monday, December 18, 2017 3:59 PM  
**To:** Wilson, Jessica <[Wilson.Jessica@epa.gov](mailto:Wilson.Jessica@epa.gov)>  
**Subject:** Definers Corp

Hi Jessica,

My name is Russ Choma, I’m a reporter with *Mother Jones* magazine here in DC. I’m working on a story about an EPA contract with

a company called Definers Corp. According to the contract's record, you are the "last modified user". I have a few questions I would like to ask – I can be reached at my office at 202.626.7253, or through the Signal app at 603.785.4610.

I appreciate any help you can give,

Thanks,

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Russ Choma

Mother Jones

[rchoma@motherjones.com](mailto:rchoma@motherjones.com)

202.626.7253

**To:** Scott, Elaine[Scott.Elaïne@epa.gov]  
**From:** Wilson, Jessica  
**Sent:** Tue 1/9/2018 4:43:19 PM  
**Subject:** FW: Signed SSJ Memo  
SSJ Memo 12-7-17 signed.docx.pdf

Pls. print

*Jessica V. Wilson*  
**Contracting Officer**

**U.S. Environmental Protection Agency**  
**OARM/OAM/HPOD/PCSC**  
Ronald Reagan Building #61178  
1200 Pennsylvania Ave. NW Mail Code: 3803R  
Washington, DC 20460  
Phone: 202-564-2504  
E-mail: wilson.jessica@epa.gov

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**From:** Quarles, Michael  
**Sent:** Thursday, December 07, 2017 3:23 PM  
**To:** Dews, Donna <Dews.Donna@epa.gov>  
**Cc:** Wilson, Jessica <Wilson.Jessica@epa.gov>  
**Subject:** Signed SSJ Memo

Hi Donna,

Please see the signed SSJ Memo.

Have a great day,

Michael G. Quarles  
Acquisitions and Assistance Manager  
Office of Administrative and Executive Services  
US Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Washington, DC 20460  
Mail Code 6202A  
(202) 343-9970



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
THE ADMINISTRATOR

**MEMORANDUM**

SUBJECT: Request for Sole Source Purchase Award

FROM: Nancy Grantham, Acting Principal Deputy Associate Administrator  
Office of Public Affairs

A handwritten signature in black ink, appearing to read "Nancy Grantham", written over the printed name and title.

TO: Jessica Wilson, Contracting Officer  
Headquarters Procurement Operations Division, PCSC/OAM (3803r)

DATE: December 7, 2017

This letter serves to justify the sole source purchase of services from Definers for media clip and war rooms media services.

Definers offers intensive, near live-time "war room" coverage of media stories for specific topics, events or announcements. They also provide access to a searchable database of EPA topics and issues while compiling news articles delivered by email daily.

The vendor has a customizable and proprietary Console which brings together cutting-edge technology and human analysis to provide real-time actionable intelligence based on the most relevant information. It allows organizations to have a holistic view of what is occurring in the public domain with regards to their organization and relevant sectors, both domestically and globally.

This service is vital to EPA's Office of Public Affairs to fully monitor and respond quickly to breaking media coverage. This service also directly supports the Administrator and other senior EPA officials by providing them with timely updates on media stories. I believe it is of the best value to the agency to pursue this contract.

Message

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**From:** DC-RRB-61136-M@epa.gov [DC-RRB-61136-M@epa.gov]  
**Sent:** 2/6/2018 3:13:57 PM  
**To:** Scott, Elaine [/o=ExchangeLabs/ou=Exchange Administrative Group  
(FYDIBOHF23SPDLT)/cn=Recipients/cn=b1c4758a7bda4256b7e79cec4b9f493f-ESCOTT02]  
**Attachments:** image2018-02-06-101357.pdf

Rec'd  
11/13/17

**Statement of Work**  
**Media Support Contract**  
**U.S. Environmental Protection Agency**

**Background and Purpose:**

EPA's Office of Public Affairs (OPA) is responsible for working with media to provide the public with timely, coherent information on environmental issues, and EPA actions and policies. Whether providing the media with press announcements; responding to media inquiries; or reacting to published stories, OPA works to achieve articles that accurately represent EPA's perspective. In order to accomplish this goal, OPA must constantly monitor media coverage and respond to inaccurate or incomplete stories. OPA may choose a number of methods to address these stories, including contacting reporters and editors to request corrections. OPA's ability to successfully address inaccurate or incomplete stories before the stories influence other reporters or are widely read is largely dependent on its ability to identify those stories shortly after publication, and OPA requires contractor support in order to do so.

**Scope of Work**

EPA requires four basic services:

- delivery, via email and in near-real-time, of media stories involving relevant events, announcements and issues, with trend analysis included;
- delivery, via email, of a once-daily (Monday through Friday) compendium of news coverage of EPA and environmental issues, including a trend analysis;
- delivery, via email and in near-real-time, of media stories on high-priority issues and/or media outlets as determined through ongoing discussions between OPA and the vendor
- delivery, via searchable database, of all past media stories gathered under the other assigned tasks

The selected vendor shall be responsible for obtaining the necessary licenses (via Factiva, Lexis Nexis or similar service) to provide this service to OPA.

Accompanying these deliverables, selected vendor shall provide exceptional customer service, including 24/7 access by EPA to contractor's account managers, analysts, and senior managers, to permit last-minute changes to topics, deadlines, and specific guidance from OPA to the contractor regarding stories to be included and the extent of coverage desired.

Deliverables shall:

- include articles and broadcasts from major U.S. newspapers, national television and cable news, news weeklies, relevant magazines and journals, blogs, specialty press, etc.;

- reflect understanding of EPA's mission and interests;
- characterize, when requested, the coverage such that EPA officials can quickly get a sense of how widely various story elements were run and what the general tone is; and
- provide links within the coverage to the original full-text versions and to streaming video of important television as originally broadcast.

All content is to be provided as described within the task descriptions, with the exception of the observed legal holidays below:

- New Year's Day
- Martin Luther King's Birthday Presidents' Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veteran's Day
- Thanksgiving Day (two days: Thanksgiving Day and the day after Thanksgiving)
- Christmas day (two days: These days will vary based on which day of the week Christmas falls and will be worked out between EPA and the contractor.)
- Inauguration Day (when applicable)

At a minimum, the following outlets shall be included in the contractor's search for media clips:

AP	Independent Journal Review
Agri-Pulse	LA Times
Argus Media	Morning Consult
Axios	NPR
Bloomberg	NTK Network
Bloomberg BNA	NY Times
Boston Globe	The Oklahoman
Breitbart	PJ Media
Business Insider	Politico
CNN	Reuters
Chicago Tribune	Scientific American
Christian Science Monitor	Tulsa World
The Daily Caller	USA Today
E&E News	Wall Street Journal
Financial Times	Washington Examiner
Forbes	Washington Post
Fox News	Washington Times
The Guardian	Google News Keywords-- EPA, Environmental
The Hill	Protection Agency, Scott Pruitt
Hot Air	

**Tasks and Deliverables:**

For Tasks 1 & 2, the contractor shall seek to provide news stories relevant to EPA's mission, and, at a minimum, shall include the following topic areas:

- a. Administrator
- b. Air
- c. Brownfields/Superfund/Other cleanups
- d. Budget
- e. Climate Change
- f. Emergency Response
- g. Energy
- h. Enforcement
- i. Environmental Justice
- j. EPA
- k. Grants
- l. Hazardous waste
- m. International environmental agreements and disputes
- n. Pesticides
- o. Research and Development
- p. Rules/Regulations/Policy
- q. Toxics/TSCA
- r. Trash/recycling/composting/solid waste
- s. Tribal environmental issues
- t. Water

EPA may modify this topic area list by contacting the contractor as new or additional areas of focus arise.

**Task 1 – Deliver, via email, Near Live-Time Coverage of Relevant Individual Media Stories****Deliverables:**

The contractor shall deliver comprehensive, near live-time media coverage for high-priority events, announcements or issues. Delivery is to be made in individual emails which also include the name of the media outlet, the full text of the story, a link to the original source, and a brief (1-2 sentences) characterization of the tone of the story, all in an easily-readable, Section 508-compliant format. This "war room" type coverage will include rapid delivery of media stories. Delivery will be to a select list of approximately 30 OPA staff, as provided by OPA. Delivery shall be throughout the day as news stories are published and within 30 minutes of the time of publication. This deliverable shall be available seven days per week, from 8 AM to 11 PM Eastern Time, excluding holidays as defined in this statement of work. Note that, while emails shall typically be delivered with one story per email, multiple entries

may be combined in a single email at the contractor's discretion. In either case, however, the email shall be sent within 30 minutes of all articles' publication.

Name	Due	Acceptance Criteria
Near Live-Time Coverage of Relevant Individual Media Stories	Due seven days per week, excluding holidays, from 8 AM – 11 PM Eastern Time on a rolling basis, throughout the day as news stories are published. All stories shall be sent to the OPA listserv within 30 minutes of publication.	<ul style="list-style-type: none"> <li>- Individual or combined story entries are delivered to appropriate recipients via email within 30 minutes of article publication.</li> <li>- Selected articles demonstrate an understanding of which issues are important to OPA</li> <li>- Each email includes the name of the media outlet, the full text of the story (when in print), a link to the original source, a brief summary (for tv and radio entries), and a brief indication of the story's tone.</li> <li>- Emails are in an easily-readable, Section 508-compliant format.</li> <li>- Updates to the recipient listserv are made within one (1) business day.</li> </ul>

## Task 2 – Deliver, via E-Mail, Daily Compiled News Coverage of EPA and Environmental Issues, Including Trend Analysis

### Deliverables

On Monday through Friday, excluding defined holidays, the contractor shall provide an e-mail compendium of news coverage relevant to EPA and environmental issues. These compendia are due twice daily at 8:00 AM and 3:00 PM Eastern Time. These deliveries shall consist of media stories from print, television and radio outlets. For print stories, the contractor shall provide the article title, full story content, and a link to the original full-text versions. Television and radio stories shall include a title, link, and brief summary of the content.

The compendia shall include all Task 1 and Task 3 materials. The contractor will not be required to deliver any e-mails for this task on Saturdays, Sundays or observed holidays as defined in this statement of work. However, the first Monday and/or post-holiday e-mail delivery under this task shall also include content published since the preceding e-mail delivery on Friday or the day before the holiday, and shall include relevant content from all weekend and/or observed holiday days.

In addition to news clips, the compendia shall also include a trend analysis, to include key metrics such as:

- total volume of media reports;
- average favorability -- percent favorable, neutral, and unfavorable;
- leading story focus;
- leading messages;
- leading spokespeople on key messages; and
- leading media type on key messages.

The above represents OPA's best idea of the trend analysis, but specifics will be worked out with the contractor after contract award.

These compendia, including trend analysis, will go to a listserv, maintained by the contractor, of approximately 600 people. Formatting of the compendia is at the discretion of the contractor, but they must be easy to read with a reasonable type and font size, and must be Section 508 compliant.

Name	Due	Acceptance Criteria
Compiled News Coverage of EPA and Environmental Issues	Due no later than 8:00 AM and again at 3:00 PM Eastern Time, Monday through Friday. Note that Monday 8:00 AM edition and any edition following a holiday will include relevant stories published during the time of the weekend and/or holiday.	<ul style="list-style-type: none"> <li>- Compendia arrive on time and to all recipients on vendor-maintained listserv.</li> <li>- Compendia use reasonable font and type size, and are Section 508 compliant.</li> <li>- Compendia include relevant articles gleaned from the OPA-provided list of key words.</li> <li>- Each compendium includes the name of the media outlet, the full text of the story (when in print), a link to the original source, a brief summary (for tv and radio entries), and a brief</li> </ul>

		<p>indication of the story's tone for each story included.</p> <ul style="list-style-type: none"> <li>- Compendia include a trend analysis</li> <li>- Key word updates are incorporated no later than four (4) business hours from the time vendor is informed by OPA of change.</li> <li>- Updates to listserv are made within one (1) business day of time vendor is informed by OPA of changes.</li> </ul>
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### Task 3 - Deliver, via E-mail, Near Live-Time Coverage of High-Priority News Stories

#### Deliverables

In addition to the daily individual and compiled news coverage in Tasks 1 and 2, the contractor shall provide OPA staff with news stories on breaking news and high priority issues. This content will be limited to high priority issues and/or media outlets as determined on an ongoing basis through discussion between OPA and the contractor. This content is to be delivered on a rolling basis throughout the day as it is published, and within 30 minutes of publication, seven days per week from 8 AM – 11 PM. Emails shall be delivered to an OPA-provided list of approximately 30 individuals, and the list shall be maintained and updated as needed by the contractor.

Emails shall include the name of the media outlet, the full text of the story, a link to the original source, and a brief (1-2 sentences) characterization of the tone of the story, all in an easily-readable, Section 508-compliant format. Note that, while emails shall typically be delivered with one story per email, multiple entries may be combined in a single email at the contractor's discretion. In either case, however, the email must be sent within 30 minutes of all articles' publication.

Name	Due	Acceptance Criteria
Near Live-Time Coverage of High Priority New Stories	Due seven days per week, excluding holidays, from 8 AM – 11 PM Eastern Time on a	Individual or combined story entries are delivered to appropriate recipients via email

	<p>rolling basis, throughout the day as news stories are published. All stories shall be sent to the OPA listserv within 30 minutes of publication.</p>	<p>within 30 minutes of article publication.</p> <ul style="list-style-type: none"> <li>- Selected articles reflect both an understanding of which issues are of high priority to OPA, and also the topics determined through discussions between OPA and the vendor.</li> <li>- Each email includes the name of the media outlet, the full text of the story (when in print), a link to the original source, a brief summary (for tv and radio entries), and a brief indication of the tone of the story in an easily-readable, Section 508- compliant format.</li> <li>- Updates to the list of recipients are made within one (1) business day.</li> </ul>
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#### Task 4 – Deliver and Maintain Searchable Database of Past Media Stories

##### Deliverables

The contractor shall host and provide access to a Section 508-compliant database of all media content collected in carrying out Tasks 1, 2 and 3 of this statement of work. This database shall be accessible to approximately 30 OPA staff and provide them with the ability to search media content by topic, title, media outlet, and reporter name. Access to the database shall be available 24 hours per day, seven days per week, including holidays, with exceptions for scheduled maintenance. Database shall be available within 24 hours of contract award.

Name	Due (if applicable)	Acceptance Criteria
Searchable Database of Past Media Stories	Database shall be live within 24 hours of contract award and shall be updated continuously. Database shall be made available on a 24/7 basis with	<ul style="list-style-type: none"> <li>- Database is available within 24 hours of contract award.</li> <li>- Database is available on a 24/7, seven (7) days per week,</li> </ul>

	the exception of scheduled maintenance.	including holidays, with the exception of scheduled maintenance.  - Database includes all media content collected in carrying out Tasks 1, 2, & 3 of this statement of work, and also includes trend analyses from Task 2.  - Database is searchable by topic, title, media outlet, and reporter name.  - Database is updated continuously.  - Database is Section 508 compliant.
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#### **Supporting Information**

The Period of Performance shall be for one year from date of contract award.

**To:** Scott, Elaine[Scott.Elaine@epa.gov]  
**From:** DC-RRB-61136-M@epa.gov  
**Sent:** Tue 2/6/2018 2:54:08 PM  
[image2018-02-06-095408.pdf](#)

**To:** Grantham, Nancy[Grantham.Nancy@epa.gov]  
**From:** Wilcox, Jahan  
**Sent:** Thur 7/6/2017 8:01:11 PM  
**Subject:** FW: Updated Proposal...  
[5.22.17 Definers EPA Monitoring Proposal.pdf](#)

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**From:** Wilcox, Jahan  
**Sent:** Monday, June 19, 2017 9:38 AM  
**To:** Hull, George <Hull.George@epa.gov>; 'jpounder@definerscorp.com' <jpounder@definerscorp.com>  
**Subject:** FW: Updated Proposal...

George –

I am adding you to this email. Can you please contact Joe Pounder and circle back with me. I believe Definers is able to do morning summaries or morning media matrixes that we can circulate within the agency to interested people and they are also capable of doing live-time alerts 24 hours a day, 7 days a week.

Thank you,

Jahan

**From:** Joe Pounder [<mailto:jpounder@definerscorp.com>]  
**Sent:** Monday, May 22, 2017 5:26 PM  
**To:** Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>  
**Subject:** Updated Proposal...

Mr. Wilcox,

Please find attached an updated proposal with examples of actual alerts and daily matrix. Please let us know if you have any other questions. Our plan is when it is rolled out to clients, these alerts will be compiled into our Definers Console where they will be also stored and searchable in addition to emailed directly to inboxes. Thanks again.

--

Joe Pounder  
[jpounder@definerscorp.com](mailto:jpounder@definerscorp.com)  
571-290-5460

**To:** Grantham, Nancy[Grantham.Nancy@epa.gov]  
**Cc:** Bowman, Liz[Bowman.Liz@epa.gov]  
**From:** Wilcox, Jahan  
**Sent:** Thur 12/14/2017 9:18:59 PM  
**Subject:** FW: Request for comment on Definers contract, deadline end of day

Nancy

Can you respond to her please? Thank you.

---

**From:** Rebecca Leber [mailto:rleber@motherjones.com]  
**Sent:** Thursday, December 14, 2017 3:36 PM  
**To:** Press <Press@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>  
**Subject:** Request for comment on Definers contract, deadline end of day

Writing to request comment on federal records showing that the EPA has hired Definers Corp., a PR firm associated with GOP campaigns, on a \$120,000 federal contract to conduct media monitoring.

What work was Definers hired for?

Can you comment on Jahan Wilcox's connections to the staff at Definers, and if he or any other staff played a role in facilitating the contract?

My deadline is end of the day, thank you

Rebecca Leber

### Custom Report - 12/20/2017 02:28:12

EPA-HQ-2017-010087	Request Allan Blutstein NTK Network	08/02/2017
EPA-HQ-2016-007767	Request Allan Blutstein America Rising	06/17/2016
EPA-R7-2017-007591	Request Allan Blutstein Definers Public Affairs	05/22/2017
EPA-R1-2017-007589	Request Allan Blutstein Definers Public Affairs	05/22/2017
EPA-R10-2017-007552	Request Allan Blutstein Definers Public Affairs	05/19/2017
EPA-R4-2017-007551	Request Allan Blutstein Definers Public Affairs	05/19/2017
EPA-R3-2017-007549	Request Allan Blutstein Definers Public Affairs	05/19/2017
EPA-HQ-2017-006774	Request Allan Blutstein America Rising	05/02/2017
EPA-HQ-2017-006771	Request Allan Blutstein	05/02/2017
EPA-HQ-2016-004898	Request Allan Blutstein America Rising Advanced Research (&quot;AR2&qu	03/18/2016
EPA-HQ-2017-003526	Request Allan Blutstein America Rising	02/02/2017
EPA-R5-2017-003495	Request Allan Blutstein America Rising	02/01/2017
EPA-HQ-2017-003301	Request Allan Blutstein America Rising	01/26/2017
EPA-R5-2016-002962	Request Allan Blutstein	01/20/2016
EPA-HQ-2016-002960	Request Allan Blutstein	01/20/2016
EPA-HQ-2017-002839	Request Allan Blutstein America Rising	01/13/2017

08/02/2017	Christina Christensen	Christina Christensen	Yes	08/30/2017	08/25/2017
06/17/2016	Victor Farren	Victor Farren	Yes	07/20/2016	12/15/2016
05/22/2017	Edie Stevens-Breckon	Edie Stevens-Breckon	Yes	06/26/2017	06/13/2017
05/22/2017	Cristeen Schena	Cristeen Schena	Yes	06/21/2017	05/30/2017
05/19/2017	Chandra R. Vitellaro	Chandra R. Vitellaro	Yes	06/19/2017	05/25/2017
05/19/2017	Leonard Dangerfield	Leonard Dangerfield	Yes	06/20/2017	06/26/2017
05/19/2017	Rita Tate	Rita Tate	Yes	07/14/2017	08/04/2017
05/02/2017	Candace White	Candace White	Yes	06/08/2018	TBD
05/02/2017	Candace White	Candace White	Yes	06/08/2018	TBD
03/18/2016	Mark Stilp	Mark Stilp	Yes	04/15/2016	04/15/2016
02/02/2017	Scott Levine	Scott Levine	Yes	03/03/2017	02/24/2017
02/02/2017	Jessica Wheatley	Jessica Wheatley	Yes	03/03/2017	03/29/2017
01/26/2017	Loreto Tillery	Loreto Tillery	Yes	03/29/2017	03/07/2017
01/20/2016	Jessica Wheatley	Jessica Wheatley	Yes	02/19/2016	02/24/2016
01/20/2016	Loreto Tillery	Loreto Tillery	Yes	02/18/2016	03/03/2016
01/13/2017	Loreto Tillery	Loreto Tillery	Yes	02/14/2017	02/03/2017

## Custom Report - 12/20/2017 02:28:12

Closed	Full grant
Closed	Request withdrawn
Closed	No records
Closed	No records
Closed	No records
Closed	Full grant
Closed	No records
Assignment Determination	
Assignment Determination	
Closed	Full grant
Closed	No records
Closed	Full grant
Closed	Full grant
Closed	Full grant
Closed	Full grant
Closed	Full grant

## Custom Report - 12/20/2017 02:28:12

All emails sent by Elizabeth ("Betsy") Southerland, former director of science and technology at the Office of Science and Technology  
All emails sent and received by the EPA Administrator or Deputy Administrator on April 26, 2016, and April 27, 2016  
All email sent or received of Jamie Green, Office of Pesticides Program, regarding the American Wood Protection Act  
All emails sent or received by Sharon Hayes, Manager, Toxics and Pesticides Unit, regarding the American Wood Protection Act  
Any email sent or received by Kelly Mcfadden, Manager, Pesticides and Toxics Unit, that mentions or refers to the American Wood Protection Act  
Any email sent or received by Kimberly Bingham, Pesticides section chief, that mentions or refers to the "AWP  
Any email sent or received by John Butler, Pesticides and Asbestos Programs, that mentions or refers to "AWP  
1. All communications exchanged since November 7, 2016, between Christie St. Clair, Office of Public Affairs, and  
1. All communications exchanged since November 7, 2016, between Julia Valentine, Office of Public Affairs, and a  
Email received or sent by the General Counsel or Principal Deputy General Counsel on March 16, 2016, that mentioned  
On February 2, 2017, Politico reported that certain EPA employees may be using non-agency communication devices  
Any email sent and received by John O'Grady from January 28, 2017, through February 1, 2017, that mentions or refers to  
Congressional correspondence pertaining to control number AL-16-001-0599, Bill Nelson, U.S. Senate (D-FL).  
All communications received by the Regional Director since September 1, 2015, from U.S. Senator Carl Levin and/  
Any communications received by the Administrator from U.S. Senator Carl Levin and/or U.S. Senator Debbie Stabenow  
All communications logged/tracked as "congressional correspondence" exchanged between the EPA and a

PA standard&quot; for treating wood with copper. The timeframe of this request is June 1, 2016, to the present. PA standards&quot; regarding treating wood with copper. The timeframe of this request is June 24, 2016, to the pr any individual using one of the following email domain addresses: (1) @suntimes.com; (2) huffingtonpost.com; (3) ny individual using one of the following email domain addresses: (1) @suntimes.com; (2) @huffingtonpost.com; (3) ions Merrick Garland. The agency need not produce any emails that consist solely of news clippings received direc ces or applications to discuss agency business. See <http://www.politico.com/story/2017/02/federal-workers-signal-a> efers to President Trump, excluding news clippings or public source material.

or U.S. Senator Debbie Stabenow concerning the water crisis in Flint, Michigan.  
enow concerning the water crisis in Flint, Michigan. The timeframe of this request is September 1, 2015, through th  
nd U.S. Senator Robert "Bob" Casey of Pennsylvania since January 1, 2016.

ly 24, 2017, through August 1, 2017.

st does not seek "mass" emails received directly from a listserv.

he present.

une 1, 2016, to the present.

esent.

@washpost.com; (4) @thehill.com; (5)@talkingpointsmemo.com; (6) @eenews.net; (7) @politico.com; (8) @msnb  
@washpost.com; (4) @thehill.com; (5) @eenews.net; (6) @politico.com; (7)@talkingpointsmemo.com; (8) @msnb  
tly from a listserv.

pp-234510. in light of these circumstances, which may violate the Federal Records Act, I hereby request copies of a

e date the agency initiates its search.

c.com; (9) @cbsnews.com; or (10) @nbcnews.com. Please note that this request does not seek widely-disseminat  
c.com; (9) @cbsnews.com; and (10) @nbcnews.com. Please note that this request does not seek widely-dissemin

ny email sent or received by the Inspector General or the Assistant IG for Investigations on February 2, 2017, that m

ed emails received by Ms. St. Clair directly from a listserv. 2. All communications exchanged since January 1, 2017  
ated emails received by Ms. Valentine direct from a listserv. 2. All communications exchanged since January 1, 20  
entions or refers to the above-referenced Politico article.

, between Ms. St. Clair and the staff of U.S. Senators Tom Carper (&quot;@carper.senate.gov&quot;), Sheldon Wh  
17, between Ms. Valentine and the staff of U.S. Senators Tom Carper (&quot;@carper.senate.gov&quot;), Sheldon

Whitehouse (@whitehouse.senate.gov), or Elizabeth Warren (@warren.senate.gov).

**To:** Grantham, Nancy[Grantham.Nancy@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]  
**From:** Hull, George  
**Sent:** Fri 7/7/2017 10:39:26 PM  
**Subject:** Media Clips Service Contract  
Statement of Work Media Clips 7-7-17.docx

Nancy and Jahan,

Please find attached the draft "Statement of Work" for the Definers contract that we are developing. The Statement of Work is the section of the contract that lays out the details of what we expect the company to provide, parameters on delivery, timing, etc. I believe this language to be consistent with our conversations on the services we are seeking, but thought it was important that you review and have a chance to discuss or suggest changes. If you could get back to me on Monday morning, I can get any changes incorporated into the contract and continue forward. Thanks, George

Message

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**From:** Wilson.Jessica@epa.gov [Wilson.Jessica@epa.gov]  
**Sent:** 12/7/2017 9:35:44 PM  
**To:** Araujo, Javier [/o=ExchangeLabs/ou=Exchange Administrative Group  
(FYDIBOHF23SPDLT)/cn=Recipients/cn=e6f5c679d6cc43e8941665e792e7b303-Araujo, Javier]  
**Subject:** EAS Document Notification

Reference Document: Purchase Order, EP-18-H-000025.

Message: Jessica Wilson was assigned as the Contracting Officer on 12/07/2017

You may access the document at <https://eas.epa.gov/>

Owner: Donna Dews  
Requisitioner: Javier Araujo  
Buyer: Donna Dews  
Contracting Officer: Jessica Wilson  
Contracting Officer Representative: Michael Quarles  
Site: OA  
Originating Office: HPOD  
Issuing Office: HPOD  
Admin Office: HPOD